

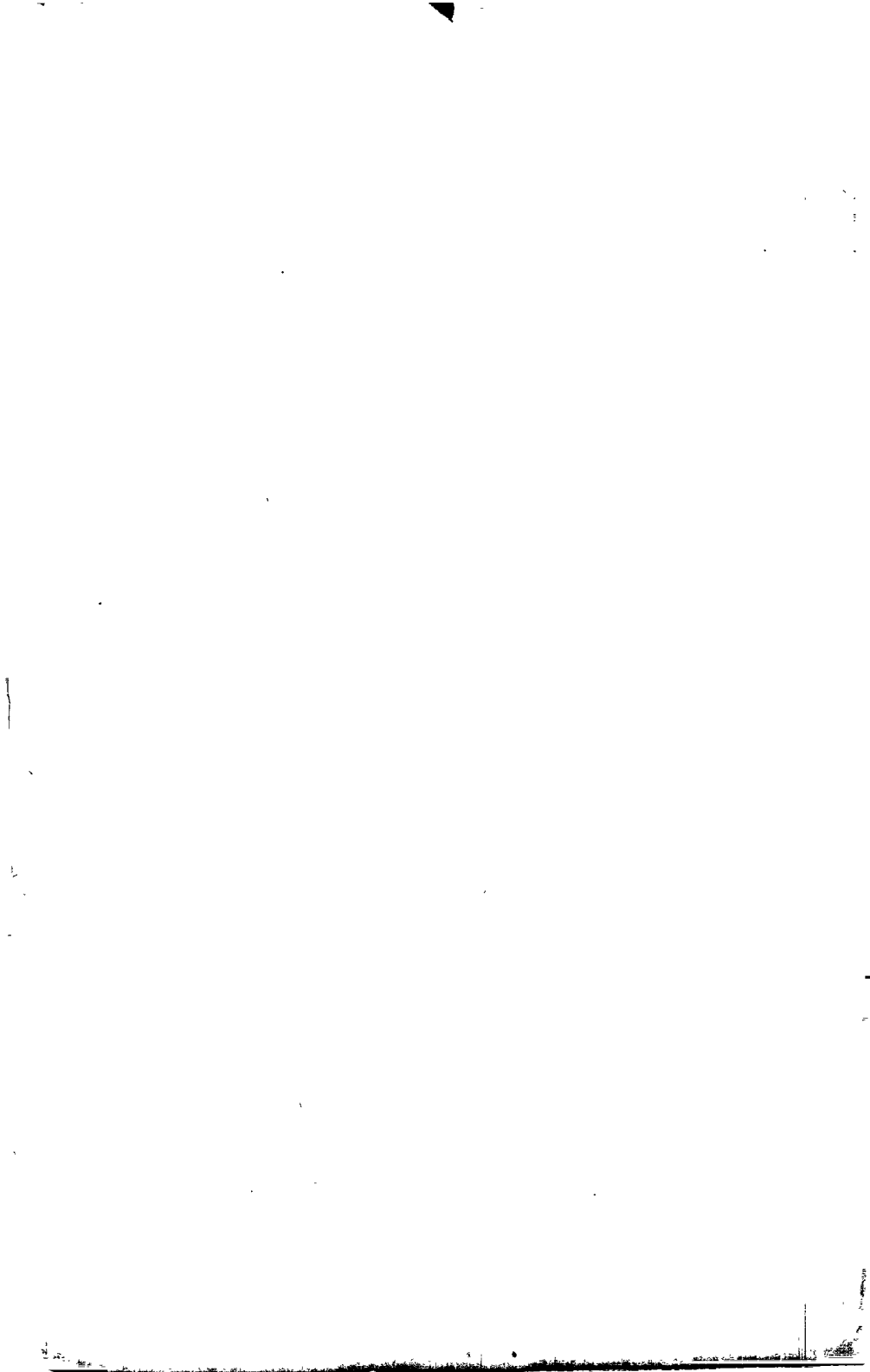
THE
STATUTES OF CALIFORNIA

PASSED AT THE
TWENTY-FIRST SESSION OF THE LEGISLATURE,
1875-6,

BEGAN ON MONDAY, DECEMBER SIXTH, EIGHTEEN HUNDRED AND SEVENTY-
FIVE, AND ENDED ON MONDAY, APRIL THIRD, EIGHTEEN
HUNDRED AND SEVENTY-SIX.



SACRAMENTO:
STATE PRINTING OFFICE.
1876.



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199	[See volume of Amendments to the Codes.]		
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212	An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four—approved March 13, 1876	A. B. 573	280
213	An Act concerning certain reclamation districts in San Joaquin County—approved March 14, 1876	A. B. 220	281
214	An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twentieth day of January, eighteen hundred and seventy-six; and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twenty-seventh day of January, eighteen hundred and seventy-six—approved March 14, 1876	A. B. 302	282
215	An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, one thousand eight hundred and seventy-four—approved March 15, 1876	A. B. 280	285
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217	[See volume of Amendments to the Codes.]		
218	[See volume of Amendments to the Codes.]		
219	An Act to repeal "An Act to exempt firemen in Nevada, Placer, El Dorado, Santa Clara, Solano, Sonoma, Alameda, and Siskiyou Counties, from the payment of poll-tax," approved March twenty-seventh, eighteen hundred and seventy-four—approved March 15, 1876	S. B. 241	287
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225	An Act to amend an Act entitled "An Act to reincorporate the City of Petaluma," approved March twenty-seventh, A. D. eighteen hundred and sixty-eight, and supplemental thereto—approved March 15, 1876	S. B. 316	288
226	An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled "An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant"—approved March 15, 1876	S. S. B. 343	303
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231	An Act to restrict sheep from being herded or running at large in Sacramento County—approved March 14, 1876	A. B. 453	305
232	An Act amendatory of and supplementary to an Act entitled "An Act to establish a quarantine for the bay and harbor, and sanitary laws for the City and County of San Francisco," approved April fourth, eighteen hundred and seventy—approved March 16, 1876	S S. B. 394	305
233	An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Bernardino—approved March 16, 1876	A. B. 231	307
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235	[See volume of Amendments to the Codes.]		
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379	An Act granting certain privileges to the North Beach and Mission Railroad Company—approved March 28, 1876	S. B. 286	525
380	An Act in relation to sales and conveyances of the "Mutual Real Estate Company"—approved March 28, 1876	S. B. 186	525
381	An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same—approved March 28, 1876	S. B. 64	526
382	[See volume of Amendments to the Codes.]		
383	[See volume of Amendments to the Codes.]		
384	An Act to create the Twenty-second Judicial District—approved March 29, 1876	S. B. 289	528
385	An Act to fix the compensation of Assessors for the collection of taxes on personal property, in the County of Contra Costa—approved March 29, 1876	A. B. 622	529
386	An Act for the relief of East Fork School District, in the County of Siskiyou—approved March 29, 1876	A. B. 519	529
387	An Act to repeal "An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara," approved March the eighteenth, A. D. eighteen hundred and seventy-four—approved March 29, 1876	A. B. 338	530
388	An Act for the establishment and maintenance of a Branch County Jail, in the County of Solano—approved March 29, 1876	S. B. 586	530
389	An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code—approved March 29, 1876	A. B. 655	531
390	An Act to authorize the Board of Trustees of Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same—approved March 29, 1876	A. B. 613	531
391	An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same—approved March 29, 1876	A. B. 530	533
392	An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Canada Street, in said town, to that of Ventura Avenue—approved March 29, 1876	A. B. 468	534
393	An Act concerning public roads in Lassen County—approved March 29, 1876	A. B. 425	539
394	An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County—approved March 29, 1876	A. B. 321	542

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395	An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same—approved March 29, 1876-----	A. B. 621-----	545
396	An Act concerning water ditches and water privileges for irrigating, mining, and manufacturing purposes, in the Counties of Fresno, Tulare, and Kern—approved March 29, 1876-----	A. B. 451-----	547
397	An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, one thousand eight hundred and seventy-four—approved March 29, 1876-----	A. B. 458-----	550
398	An Act to provide for the government of the County of San Diego—approved March 30, 1876-----	S. S. B. 443-----	558
399	An Act to provide for the opening and extending of Leidesdorff Street, in the City and County of San Francisco—approved March 30, 1876-----	S. B. 521-----	563
400	An Act to amend an Act entitled "An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof," approved March eighteenth, eighteen hundred and seventy-four—approved March 30, 1876-----	S. B. 575-----	566
401	An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—approved March 30, 1876-----	S. B. 642-----	567
402	An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four—approved March 30, 1876-----	A. B. 775-----	567
403	An Act to provide for the distribution of school moneys in the County of Marin—approved March 30, 1876-----	A. B. 456-----	568
404	An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square—approved March 30, 1876-----	A. B. 501-----	569
405	An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property—approved March 30, 1876-----	A. B. 647-----	570
406	An Act to provide for the collection of road poll-taxes in the County of Stanislaus—approved March 30, 1876-----	A. B. 719-----	570
407	An Act to amend an Act entitled "An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Anna River, and to issue bonds for the payment of the same," approved March twenty-seventh, eighteen hundred and seventy-four—approved March 30, 1876-----	A. B. 720-----	570
408	An Act supplementary to and amendatory of an Act, approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six—approved March 30, 1876-----	A. B. 45-----	571
409	An Act to legalize certain notarial acknowledgments in Napa County—approved March 30, 1876-----	A. B. 457-----	572
410	An Act concerning the terms of the County Court of the County of Ventura—approved March 30, 1876-----	A. B. 681-----	572
411	An Act confirming to the "Santa Barbara Cemetery Association" a deed of conveyance made by the Town of Santa Barbara—approved March 30, 1876-----	A. B. 703-----	572

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412	An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors in the County of Placer and providing for the election of the same, approved March thirteenth, A. D. eighteen hundred and seventy-four—approved March 30, 1876.	A. B. 263	573
413	An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society—approved March 30, 1876.	A. B. 671	574
414	An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six—approved March 30, 1876.	A. B. 549	575
415	[See volume of Amendments to the Codes.]		
416	[See volume of Amendments to the Codes.]		
417	An Act to amend an Act entitled "An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma," approved March sixteenth, eighteen hundred and seventy-four—approved March 30, 1876.	A. B. 733	576
418	An Act in relation to the county officers of Santa Cruz County, their fees and salaries—approved March 30, 1876.	A. B. 476	576
419	An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplemental thereto—approved March 31, 1876.	S. S. B. 529	581
420	An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, A. D. eighteen hundred and seventy-two—approved March 31, 1876.	S. B. 320	583
421	An Act to regulate fees of office and salaries of officers in the County of San Diego—approved March 31, 1876.	S. S. B. 443	586
422	An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb and the Blind—approved March 31, 1876.	A. B. 726	593
423	An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo—approved March 31, 1876.	A. B. 789	593
424	An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February ninth, eighteen hundred and sixty-six—approved March 31, 1876.	A. B. 787	594
425	An Act relating to road poll-tax in the County of Sierra—approved March 31, 1876.	A. B. 778	594
426	An Act to transfer money from one fund to another in the County of Monterey—approved March 31, 1876.	A. B. 683	595
427	[See volume of Amendments to the Codes.]		
428	An Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city—approved March 31, 1876.	A. B. 289	595

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430	An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four—approved March 31, 1876-----	A. B. 82-----	603
431	An Act to amend an Act entitled "An Act concerning roads and highways in the County of Santa Clara," approved March eighteenth, eighteen hundred and seventy-four—approved March 31, 1876-----	A. B. 486-----	606
432	An Act fixing the salaries and compensation of certain officers of San Luis Obispo County—approved March 31, 1876-----	A. B. 564-----	608
433	An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases—approved March 31, 1876-----	A. B. 502-----	610
434	An Act to establish and maintain public and private roads in the County of Santa Cruz—approved March 31, 1876-----	A. B. 500-----	611
435	[See volume of Amendments to the Codes.]		
436	An Act concerning certain taxes in the Counties of Placer and Nevada—approved March 31, 1876-----	A. B. 608-----	621
437	An Act to enable the City of Sacramento to settle a judgment obtained against it by Paulina C. Fowle—approved March 31, 1876-----	A. B. 807-----	622
438	An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four and five—approved March 31, 1876-----	A. B. 776-----	623
439	An Act to provide for the first election in the Town of Haywards—approved March 31, 1876-----	A. B. 755-----	624
440	An Act to confer further powers on the Board of Trustees of the City of Sacramento—approved March 31, 1876-----	A. B. 745-----	624
441	An Act amendatory of "An Act to reincorporate the City of San José," approved March seventeenth, eighteen, hundred and seventy-four—approved March 31, 1876-----	A. B. 708-----	627
442	An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco—approved March 31, 1876-----	A. B. 463-----	632
443	An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts—approved March 31, 1876-----	A. B. 605-----	636
444	An Act supplementary to and amendatory of an Act entitled an Act for the better protection of the county treasuries of Sutter, Los Angeles, and Butte Counties, approved March twentieth, eighteen hundred and seventy-six—approved March 31, 1876-----	A. B. 771-----	637
445	An Act to make applicable a certain Act to San Luis Obispo County—approved March 31, 1876-----	A. B. 732-----	637
446	An Act to incorporate the Town of Red Bluff, Tehama County, California—approved March 31, 1876-----	S. B. 627-----	637
447	An Act to amend an Act to protect agriculture and to prevent the		

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448	An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin—approved March 31, 1876	S. B. 496	643
449	An Act to prevent hogs and goats running at large on certain lands in this State—approved March 31, 1876	S. B. 455	644
450	An Act to provide for the issuance of bonds in the County of Kern, for the payment of the indebtedness of said county—approved March 31, 1876	S. B. 412	645
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453	An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County—approved March 31, 1876	A. B. 576	649
454	An Act to fix the terms of the County and Probate Courts in and for the County of Solano—approved March 31, 1876	A. B. 568	649
455	An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa—approved March 31, 1876	A. B. 491	650
456	An Act to authorize corporations to own and improve the lots and houses in which their business is carried on—approved April 1, 1876	S. B. 504	653
457	[See volume of Amendments to the Codes.]		
458	An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth Street and East Ninth Street—approved April 1, 1876	A. B. 426	653
459	An Act in relation to public roads in the County of Sacramento—approved April 1, 1876	A. B. 792	658
460	An Act to incorporate the Town of Colusa—approved April 1, 1876	A. B. 657	669
461	An Act to reserve from sale the north half of section sixteen, in township seven south and range three east, Monte Diablo meridian—approved April 1, 1876	A. B. 723	679
462	An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State—approved April 1, 1876	A. B. 658	680
463	An Act for the relief of James W. Marshall—approved April 1, 1876	A. B. 328	681
464	An Act to amend an Act entitled "An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof;" approved March thirtieth, eighteen hundred and seventy-four—approved April 1, 1876	A. B. 717	681
465	An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County—approved April 1, 1876	A. B. 415	684
466	An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum—approved April 1, 1876	S. B. 546	686

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468	An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of John F. Swift—approved April 1, 1876-----	S. S. B. 494----	687
469	An Act granting relief to tax-payers whose lands have been sold to the State—approved April 1, 1876-----	S. B. 99-----	687
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471	An Act for the relief of George Green and James Smith, of the City and County of San Francisco—approved April 1, 1876----	S. B. 403----	688
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473	An Act to prohibit the sale of intoxicating liquors within one mile of College City, Colusa County, State of California—approved April 1, 1876-----	S. B. 479-----	691
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475	An Act granting to the Omnibus Railroad Company certain rights therein named—approved April 1, 1876-----	S. B. 413-----	691
476	An Act to revise an Act entitled "An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government," approved March twenty-sixth, A. D. eighteen hundred and seventy-four—approved April 1, 1876-----	S. B. 460-----	692
477	An Act to authorize the Controller and Treasurer of State to transfer certain funds—approved April 1, 1876-----	S. B. 287-----	723
478	An Act to amend an Act entitled "An Act to incorporate the City of Gilroy," approved March twelfth, one thousand eight hundred and seventy—approved April 1, 1876-----	S. B. 647-----	724
479	An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra—approved April 1, 1876-----	S. B. 651-----	725
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482	An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma—approved April 1, 1876-----	S. B. 585-----	726
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485	An Act to provide for the redemption of unused and uncanceled stamps of the State of California, heretofore sold—approved April 1, 1876-----	S. B. 301-----	727
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489	An Act to amend an Act entitled "An Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," approved March twenty-first, eighteen hundred and seventy-two—approved April 1, 1876-----	S. B. 326-----	730
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491	An Act to create an irrigation district, to be called the West Side Irrigation District—approved April 3, 1876-----	A. B. 73-----	731
492	An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal year—approved April 3, 1876-----	A. B. 517-----	747
493	An Act in relation to roads and highways in the County of Butte—approved April 3, 1876-----	A. B. 554-----	752
494	An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four—approved April 3, 1876-----	A. B. 552-----	753
495	An Act to change and modify the grade and to provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco—approved April 3, 1876-----	A. B. 488-----	753
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501	An Act to pay the claim of George W. Whitlock—approved April 3, 1876-----	S. B. 611-----	761
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503	An Act to transfer certain funds in the State treasury belonging to the State Harbor Commission—approved April 3, 1876-----	S. B. 501-----	761
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505	[See volume of Amendments to the Codes.]		
506	[See volume of Amendments to the Codes.]		
507	An Act to open, establish, grade, and macadamize a public street in the City and County of San Francisco, known and to be called Fifteenth Avenue Extension, and to take private lands therefor, and to build and construct a bridge over and across Islais Creek, in said city and county—approved April 3, 1876-----	S. B. 402-----	762

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509	An Act to open and establish a public street in the City and County of San Francisco, to be called "Seventh Street;" to take private lands therefor; and to grade, macadamize, and improve a portion of Seventh Street, and to construct a bridge thereon—approved April 3, 1876-----	S. B. 355-----	772
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516	An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State—approved April 3, 1876-----	S. B. 45-----	791
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518	An Act to regulate the practice of medicine in the State of California—approved April 3, 1876-----	S. B. 549-----	792
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520	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco—approved April 3, 1876-----	S. B. 300-----	795
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522	An Act to authorize James McClatchy to sue the County of Sacramento—approved April 1, 1876-----	S. B. 646-----	796
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524	An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four—approved April 1, 1876-----	A. B. 542-----	797
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528	An Act to prevent hogs, goats, and cows, running at large in the Town of Washington, Yolo County—approved April 1, 1876-----	A. B. 653-----	800
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534	An Act to repeal all special laws in relation to roads and highways in the County of Shasta—approved April 1, 1876.....	A. B. 446.....	803
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538	An Act granting to certain persons therein named the right to construct and maintain a raceway through the City of Placerville—approved April 1, 1876.....	A. B. 808.....	805
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552	An Act to regulate and govern the California State Prison—approved April 3, 1876	A. B. 358	832
553	An Act relative to apprentices and masters—approved April 3, 1876	A. B. 76	842
554	An Act to authorize Quincy School District to issue bonds for building purposes—approved April 3, 1876	A. B. 686	845
555	An Act to confer additional powers on the Treasurer of the City and County of San Francisco—approved April 3, 1876	S. B. 445	850
556	An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—approved April 3, 1876	S. B. 658	850
557	An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six—approved April 3, 1876	S. B. 641	851
558	An Act to provide for the payment of the "funded" indebtedness of Mendocino County—approved April 3, 1876	S. B. 639	851
559	An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county—approved April 3, 1876	S. B. 536	852
560	An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco—approved April 3, 1876	S. B. 635	852
561	An Act concerning the public records in the office of the County Recorder of San Bernardino County—approved April 3, 1876	S. B. 615	853
562	An Act to regulate the recording of mining locations in Calaveras County—approved April 3, 1876	S. B. 621	853
563	An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—approved April 3, 1876	S. S. B. 649	854
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566	An Act imposing certain duties upon the Governor of the State—approved April 3, 1876	A. B. 769	855
567	An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two—approved April 3, 1876	A. B. 44	855
568	An Act concerning the Justices' Courts of the City and County of San Francisco, and the service of summons issued therefrom—approved April 3, 1876	A. B. 618	855

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578	[See volume of Amendments to the Codes.]		
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593	An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-five-seventy-six—approved April 3, 1876	A. B. 804	887
594	An Act amendatory of and supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the funding the outstanding indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two, approved March twenty-fifth, eighteen hundred and seventy-four—approved April 3, 1876	A. B. 444	888
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596	An Act to enable the Board of Trustees of the City of Healdsburg to subscribe moneys belonging to said city for the purpose of aiding in the erection of a school or college building in said city—approved April 3, 1876	A. B. 710	890
597	An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, A. D. eighteen hundred and seventy-four—approved April 3, 1876	A. B. 757	891
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LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUDGES OF SUPREME COURT,
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BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE
OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
William Irwin.....	Governor.....	Yreka
James A. Johnson.....	Lieutenant-Governor.....	San Francisco
Thomas Beck.....	Secretary of State.....	Watsonville
W. B. C. Brown.....	Controller.....	Sacramento
José M. Estudillo.....	State Treasurer.....	San Diego
Jo Hamilton.....	Attorney-General.....	Auburn
William Minis.....	Surveyor-General.....	Woodland
Frank P. Thompson.....	Superintendent State Printing.....	Santa Rosa
Ezra S. Carr.....	Superintendent Public Instruction.....	Oakland
P. F. Walsh.....	Adjutant-General.....	San Francisco
R. O. Cravens.....	State Librarian.....	Sacramento
E. W. Maslin.....	Governor's Private Secretary.....	Santa Rosa
William Blanding.....	State Harbor Commissioner.....	San Francisco
A. M. Burns.....	State Harbor Commissioner.....	San Francisco
Bruce B. Lee.....	State Harbor Commissioner.....	Nevada City

The Governor, Surveyor-General, and Controller, constitute the State Board of Tide Land Commissioners. The Governor, Attorney-General, and Controller, constitute the State Board of Equalization. The Governor, Secretary of State, and Attorney-General, constitute the State Board of Examiners. The Governor, Secretary of State, and State Treasurer, constitute the Board of State Capitol Commissioners. The Governor, Lieutenant-Governor, and Secretary of State, constitute the Board of State Prison Directors; and the Lieutenant-Governor is Warden of the State Prison.

JUDGES, CLERK, AND REPORTERS OF THE SUPREME COURT.

TERM OF OFFICE FOR JUDGES, TEN YEARS. CLERK, FOUR.

NAME.	OFFICIAL POSITION.	RESIDENCE.
William T. Wallace.....	Chief Justice; elected October 20th, 1869.....	San Francisco
Joseph B. Crockett.....	Judge; elected October 20th, 1869.....	East Oakland
A. C. Niles.....	Judge; elected October 18th, 1871.....	Oakland
A. L. Rhodes.....	Judge; elected October 18th, 1871.....	San José
E. W. McKinstry.....	Judge; elected October 18th, 1873.....	San Francisco
Charles A. Tuttle.....	Reporter.....	Oakland
James A. Waymire.....	Phonographic Reporter.....	Oakland
D. B. Woolf.....	Clerk; elected September 1st, 1875.....	San Francisco

LIST OF OFFICERS.

SENATORS.

JAMES A. JOHNSON

President.

NAME	COUNTIES REPRESENTED.
Angney, W. Z.	Santa Clara
Bartlett, Washington	San Francisco
Beazell, James	Alameda
Bush, C. W.	Los Angeles
Craig, James	San Francisco
Donovan, M. J.	San Francisco
Eakin, W. A.	Tuolumne, Mono, and Inyo
Edgerton, Henry	Sacramento
Evans, George S.	San Joaquin
Farley, J. T.	Amador and San Joaquin
Flint, Thomas	Santa Cruz, Monterey, and San Benito
Fraser, Thomas	El Dorado
Gibbons, Edward	Alameda
Graves, W. J.	San Luis Obispo, Santa Barbara, and Ventura
Haymond, Creed	Sacramento
Hendricks, W. C.	Butte
Hill, William McPherson	Sonoma, Napa, and Lake
Hilborn, S. G.	Solano
Hopkins, Rienzi	Calaveras
Howe, Robert	San Francisco
Laine, Thomas H.	Santa Clara
Lewis, E. J.	Colusa and Tehama
Lindsey, Tipton	Fresno, Tulare, and Kern
Martin, Noble	Placer
McCarthy, Timothy	San Francisco
McCoppin, Frank	San Francisco
McCune, H. E.	Solano and Yolo
McGarvey, Robert	Mendocino, Humboldt, and Del Norte
Montgomery, J. M.	Merced, Mariposa, and Stanislaus
Nunan, Edward	San Francisco
O'Connor, Myles P.	Nevada
Pierson, William M.	San Francisco
Roach, Philip A.	San Francisco
Rogers, G. H.	San Francisco
Satterwhite, J. W.	San Bernardino and San Diego
Shirley, Paul	Contra Costa and Marin
Spencer, S.	Yuba and Sutter
Tinnin, W. J.	Siskiyou, Modoc, Shasta, and Trinity
Turner, H. K.	Sierra and Nevada
Tuttle, B. F.	Sonoma

OFFICERS OF THE SENATE.

NAME	OFFICIAL POSITION.
T. J. Shackelford	Secretary
E. L. Crawford	Assistant Secretary
F. J. Clark	Assistant Secretary
James W. Hawkins	Sergeant-at-Arms
J. B. Sydnor	Assistant Sergeant-at-Arms
Newton Benedict	Minute Clerk
George B. Cosby	Journal Clerk
William F. Howell	Enrolling Clerk
P. H. Ryan	Engrossing Clerk
Ed. Gallagher	Copying Clerk
George W. Conaway	Copying Clerk
F. H. Keene	Clerk to Sergeant-at-Arms

MEMBERS OF ASSEMBLY.

G. J. CARPENTER.....Speaker.

NAME.	COUNTIES REPRESENTED.
Abbott, C. S.	Monterey
Archer, Lawrence	Santa Clara
Bagge, T. F.	Alameda
Barber, Thomas H.	San Francisco
Berry, C. P.	Sutter
Biggs, Marion	Sacramento
Birney, Thomas C.	Tuolumne
Blackwell, S. L.	Nevada
Blue, Thomas P.	Nevada
Bradley, J. C.	Yuba
Briceland, J. M.	Shasta and Trinity
Broderick, William	San Francisco
Burbank, George W.	Marin
Carpenter, G. J.	El Dorado
Carson, James G.	San Francisco
Carter, H. A.	Amador
Chapman, J. W. S.	Lassen and Plumas
Clark, Jonathan	Humboldt
Clarke, R. M.	San Francisco
Clunie, T. J.	Sacramento
Coffey, James V.	San Francisco
Collins, J. D.	Fresno
Cornwell, G. N.	Napa
Crutcher, W. M.	Placer
Covington, J. M.	Mendocino
Dixon, M. W.	Alameda
Dunlap, Thomas	Amador
Ferral, Walter	Sonoma
Garretson, John	San Mateo
Gelwicks, D. W.	Alameda
Giffen, George W.	Nevada
Griswold, M.	Inyo and Mono
Harding, J. W.	San Francisco
Harris, G. F.	Siskiyou and Modoc
Hart, T. J.	Colusa and Tehama
Hayne, W. A.	Santa Barbara and Ventura
Hinshaw, E. C.	Sonoma
Jamison, S. I.	Santa Clara
Jenkins, Thomas J.	Butte
Jones, Cyrus	Santa Clara
Jourden, Joseph W.	San Francisco
Kennedy, J. O'B.	San Francisco
Koutz, John	Sierra
Lambourn, Fred.	Los Angeles
Lammers, M.	San Joaquin
Maguire, James G.	San Francisco
McCarthy, M.	San Francisco
McConnell, J. R.	Los Angeles
McInerney, Thomas	San Francisco
McKenna, Joseph	Solano
McMann, William	San Francisco
Murphy, J. E.	Del Norte
Murphy, J. C.	San Francisco
Nott, Samuel A.	Alpine and Amador
O'Connell, W.	San Francisco
Ostrom, Daniel A.	Yuba
Patterson, A. D.	Sacramento
Patterson, J. A.	Kern and Tulare
Patterson, John	San Joaquin
Pierce, James M.	San Diego
Preston, R. M.	San Luis Obispo
Pullen, F. A.	San Francisco

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.
Quigley, R. V. S.	Lake
Raisch, Fred.	San Francisco
Rankin, Herman	San Francisco
Reddick, J. B.	Calaveras
Rice, Henry	Santa Cruz
Roberts, G. M.	San Benito
Ruggles, E. S.	Butte
Samuels, J.	Sonoma
Sargent, R. C.	San Joaquin
Scrivner, J. J.	Stanislaus
Sullivan, D. C.	San Francisco
Suverkup, Henry	San Bernardino
Swan, T. M.	Solano
Watkins, Jason	Yolo
Wetherill, S. E.	San Francisco
Wilcox, J. W.	Mariposa and Merced
Wood, Charles	Contra Costa
Young, George A.	San Francisco

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
Robert Ferral	Chief Clerk
William M. Ord	Assistant Clerk
C. W. O'Neil	Assistant Clerk
Dana Perkins	Sergeant-at-Arms
T. O'Connor	Assistant Sergeant-at-Arms
J. W. McCarthy	Minute Clerk
James B. Stevens	Minute Clerk
M. D. Carr	Enrolling Clerk
Charles Gildea	Engrossing Clerk
J. A. M. Martin	Journal Clerk
F. C. Morris	Copying Clerk
J. P. Rodgers	Copying Clerk
J. S. Boysten	Clerk to Sergeant-at-Arms
R. L. Pratt	Chaplain

COMMISSIONERS OF DEEDS,

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

Extract from the Political Code, in regard to Commissioners of Deeds: "§14. The official oaths of Commissioners of Deeds must be filed in the office of the Secretary of State within six months after they are taken." Commissioners hold office for four years.

ALABAMA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
September 3, 1872	John C. Berry	Mobile	March 4, 1873

ARKANSAS.

May 11, 1875	J. H. Battenfield	Russellville	
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ARIZONA.

November 27, 1872	Henry N. Alexander	Arizona City	January 16, 1873
February 16, 1874	James E. McCaffray	Tucson	
July 25, 1874	H. P. Sonntag	Yavapai City	January 4, 1875
August 3, 1874	J. W. Clark	Tucson	January 11, 1875
June 1, 1875	James P. Bull	Mineral Park	
June 5, 1875	Jerome H. Vaughn	McCracken Hill	
February 25, 1876	Hugh Farley	Tucson	

CONNECTICUT.

October 7, 1872	Edmund Goodman	Hartford	October 23, 1872
January 17, 1873	John C. Hollister	New Haven	February 26, 1873
February 3, 1874	William H. Noble	Bridgeport	

DISTRICT OF COLUMBIA.

September 20, 1873	Ivan Pike	Washington	
April 1, 1875	George F. Graham	Washington	

COMMISSIONERS OF DEEDS.

FLORIDA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 2, 1875-----	Manuel C. Jordan----	Jacksonville -----	-----

GEORGIA.

June 7, 1873-----	Samuel Levy -----	Augusta -----	-----
February 3, 1875-----	A. C. Glenn-----	Atlanta-----	-----

ILLINOIS.

December 6, 1872-----	Henry Wisner-----	Chicago -----	-----
December 29, 1872-----	S. S. Willard-----	Chicago -----	April 20, 1872
September 11, 1873-----	P. A. Hoyne-----	Chicago -----	-----
September 11, 1873-----	A. L. Bartlett-----	Chicago -----	-----
May 8, 1874-----	Charles Knobelsdorff-----	Chicago -----	June 18, 1874
November 27, 1875-----	A. L. Wilderman-----	Belleville-----	-----

KENTUCKY.

January 29, 1875-----	R. H. Thompson-----	Louisville -----	-----
February 25, 1876-----	Harry Stucky-----	Louisville -----	April 4, 1876

LOUISIANA.

February 6, 1873-----	J. H. Kilpatrick-----	Shreveport-----	-----
March 21, 1873-----	John J. Barnett-----	New Orleans-----	-----
July 1, 1873-----	James Graham-----	New Orleans-----	August 28, 1873
December 8, 1873-----	J. G. Enstis-----	New Orleans-----	-----
March 25, 1875-----	Alf. Ingraham-----	New Orleans-----	-----

MAINE.

August 17, 1874-----	James O'Donnell-----	Portland -----	September 21, 1874
September 24, 1875-----	Winfield S. Choate-----	Augusta -----	-----

MARYLAND.

July 19, 1872-----	William W. Latimer-----	Baltimore-----	July 19, 1872
April 29, 1873-----	H. L. Emmons, Jr.-----	Baltimore-----	May 26, 1873
July 7, 1874-----	W. B. Hill-----	Baltimore-----	September 7, 1874

MASSACHUSETTS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 3, 1872	Andrew J. Morton	Boston	September 5, 1872
February 25, 1873	Edward J. Jones	Boston	March 17, 1873
April 10, 1873	Richard Goodman	Boston	
May 3, 1873	Charles B. F. Adams	Boston	
September 17, 1873	James B. Bell	Boston	October 20, 1873
January 17, 1874	Daniel Sharp	Boston	February 24, 1874
February 18, 1874	Samuel Jennison	Boston	September 24, 1874
July 6, 1874	Joseph B. Braman	Boston	December 19, 1874
July 9, 1874	R. M. Thompson	Boston	
November 3, 1874	L. W. Kelley	Salem	January 30, 1875
January 7, 1875	George T. Angell	Boston	February 16, 1875
May 26, 1875	J. Henry Hill	Worcester	

MICHIGAN.

June 7, 1873	William J. Waterman	Detroit	July 7, 1873
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MISSOURI.

November 14, 1872	John R. Bous	St. Louis	January 6, 1873
February 25, 1873	Wm. McPherson, Jr.	St. Louis	
February 25, 1874	James E. Lincoln	Liberty, Clay County	
August 10, 1874	William A. Clark	St. Louis	
August 25, 1874	J. S. Garland	St. Louis	October 1, 1874
September 28, 1874	Angus Cameron	St. Louis	

NEW HAMPSHIRE.

February 17, 1875	William H. Hackett	Portsmouth	March 10, 1875
April 28, 1876	George Y. Sawyer	Nashua	May 8, 1876

NEW YORK.

June 22, 1872	William W. Lyon	New York City	
June 22, 1872	J. G. F. Metcalf	New York City	
July 1, 1872	William H. Butler	New York City	July 29, 1872
August 1, 1872	Francis P. Burke	New York City	October 7, 1872
September 3, 1872	Lorenzo M. Shute	New York City	
September 18, 1872	Charles Edgar Mills	New York City	May 23, 1873
October 17, 1872	Andrew W. Kent	New York City	
November 13, 1872	R. K. McKarg	New York City	
December 12, 1872	Charles H. Hatch	New York City	
January 18, 1873	William E. Osborn	Brooklyn	April 3, 1873
January 18, 1873	J. R. O'Hallaran	New York City	
January 22, 1873	Stephen O. Lockwood	New York City	
February 17, 1873	O. P. C. Billings	New York City	March 15, 1873
February 25, 1873	George W. Brown	New York City	March 29, 1873
May 3, 1873	Horace Andrews	New York City	May 20, 1873
July 1, 1873	E. F. Corey, Jr.	New York City	July 29, 1873
July 11, 1873	E. W. Warwell	New York City	
September 5, 1873	Joseph F. Waller	New York City	
September 23, 1873	F. F. Fargo	Buffalo	November 19, 1873
December 10, 1873	H. A. Bagley	New York City	January 3, 1874
February 6, 1874	Alexander Ostrander	New York City	March 3, 1874

NEW YORK—Continued.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 24, 1874	Morris F. Dowley	New York City	
February 24, 1874	Monroe Crannell	Albany	April 25, 1874
February 24, 1874	John A. Hillery	New York City	April 11, 1874
April 10, 1874	L. W. Stoa	New York City	
April 10, 1874	S. C. Doty	New York City	June 2, 1874
April 10, 1874	John K. Hackett	New York City	May 14, 1874
May 1, 1874	Thomas B. Clifford	New York City	June 20, 1874
May 1, 1874	George J. Smith	New York City	
June 18, 1874	F. R. Anderson	New York City	July 7, 1874
June 22, 1874	I. Spencer Smith	New York City	
June 22, 1874	N. E. Monroe	New York City	
June 22, 1874	M. J. Merchant	New York City	November 6, 1874
July 7, 1874	George W. Colles	New York City	September 14, 1874
July 25, 1874	R. B. Martin	New York City	August 14, 1874
July 25, 1874	W. R. Darling	New York City	
September 3, 1874	Edward Webster	Rochester	August 21, 1874
December 23, 1874	E. F. Weeks	New York City	
January 12, 1875	I. W. Lawton	New York City	January 22, 1875
January 26, 1875	Charles Nettleton	New York City	March 18, 1875
February 3, 1875	D. L. Holmes	New York City	
March 25, 1875	Charles W. Anderson	New York City	
April 14, 1875	Jacob Du Bos	New York City	June 15, 1875
April 14, 1875	Ole H. Holberg	New York City	
May 3, 1875	George Chesebro	New York City	
June 25, 1875	Edward G. Black	New York City	
June 25, 1875	William F. Lett	New York City	
June 25, 1875	Abe B. Coleman	New York City	
August 3, 1875	Lynnan B. Perkins	Buffalo	
August 28, 1875	P. A. Hegeman	New York City	
September 10, 1875	S. R. Goodale	New York City	
September 13, 1875	Eleazer Jackson	New York City	June 10, 1875
October 19, 1875	George R. Jacques	New York City	November 22, 1875
November 3, 1875	William W. Browning	New York City	May 4, 1876
November 27, 1875	Thomas L. Carpenter	New York City	
December 1, 1875	Walter H. Martin	New York City	
December 6, 1875	Joseph B. Hones	New York City	December 20, 1875
February 15, 1876	George W. Sill	Rochester	
March 2, 1876	George E. Epple	New York City	
March 6, 1876	Richard M. Bruno	New York City	May 6, 1876
March 13, 1876	Henry C. Banks	New York City	April 1, 1876

NEVADA.

November 4, 1872	Thomas E. Hayden	Reno	November 21, 1872
January 7, 1873	George T. Gorman	Pioche	
January 11, 1873	Samuel D. King	Carson City	
January 13, 1873	J. S. Mayhugh	Elko	
May 20, 1873	I. N. Farwell	Columbus	September 28, 1874
November 8, 1873	H. R. Breaky	Pioche	
November 29, 1873	F. N. Rogers	Elko	December 12, 1873
February 4, 1874	A. E. Shannon	Austin	April 17, 1874
February 25, 1874	E. B. Stonehill	Virginia	
May 14, 1874	R. V. Doy	Virginia	
June 3, 1874	R. L. Thomas	Virginia	July 21, 1874
July 7, 1874	A. L. Edwards	Virginia	December 6, 1875
July 13, 1874	John W. Grier	Silver City	August 24, 1874
September 10, 1874	Thomas Laspeyre	Eureka	January 21, 1875
February 11, 1875	James Hay Smith	Gold Hill	August 9, 1875
February 27, 1875	J. E. Dealy	Carson City	August 21, 1875
December 7, 1875	Horace Wanzer	Virginia	

OHIO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 2, 1872	James Finley Brown	Columbus	
August 11, 1873	James Wade, Jr.	Cleveland	January 15, 1874
May 19, 1874	Samuel Carpenter	Cincinnati	June 25, 1874
July 7, 1874	George E. Pomeroy	Toledo	

OREGON.

August 1, 1872	Joseph Simon	Portland	September 20, 1872
February 6, 1873	O. F. Bell	Portland	March 11, 1873
February 17, 1873	D. L. Watson	Empire City	April 4, 1873
April 5, 1875	A. S. Gross	Portland	
June 8, 1875	George H. Jones	Salem	
July 8, 1875	Andrew J. Moses	Portland	

PENNSYLVANIA.

January 7, 1873	Theo. D. Rand	Philadelphia	January 24, 1873
March 31, 1873	Henry Reed	Philadelphia	October 23, 1873
April 10, 1873	H. P. Roche	Philadelphia	
April 29, 1873	Joshua Speiring	Philadelphia	
July 11, 1873	G. I. Whitney	Pittsburgh	
July 21, 1873	I. B. Moffitt	Philadelphia	December 24, 1873
December 8, 1873	Henry Phillips	Philadelphia	January 14, 1874
February 14, 1874	Samuel L. Taylor	Philadelphia	
May 1, 1874	Joseph S. Perot	Philadelphia	
May 27, 1874	A. H. Morgan	Philadelphia	July 9, 1874
July 25, 1874	F. H. Janvier	Philadelphia	September 3, 1874
July 28, 1874	Samuel B. Huey	Philadelphia	
September 24, 1874	W. A. Holman	Pittsburgh	
October 5, 1874	Charles Chauncey	Philadelphia	March 4, 1875
January 12, 1875	J. P. Diver	Philadelphia	January 29, 1875
February 6, 1875	C. W. Carrigan	Philadelphia	
March 25, 1875	Kinley J. Tener	Philadelphia	June 4, 1875
April 14, 1875	Benjamin F. Moore	Philadelphia	May 29, 1875
May 3, 1875	Edw. Shippen	Philadelphia	
June 25, 1875	Ellwood Matlock	Philadelphia	

RHODE ISLAND.

March 10, 1874	Charles Selden	Providence	April 29, 1874
July 9, 1874	F. Brinley	Newport	
August 29, 1874	C. Rhodes	Providence	

TENNESSEE.

April 10, 1873	B. F. Murphy	Memphis	
April 19, 1873	T. L. Marshall	Nashville	

COMMISSIONERS OF DEEDS.

TEXAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
November 4, 1872.....	William R. Johnson.....	Galveston.....
July 11, 1873.....	B. B. Paddock.....	Fort Worth.....
February 3, 1874.....	J. T. Estell.....	Houston.....
June 9, 1875.....	R. D. Johnson.....	Galveston.....
December 8, 1875.....	Benjamin L. Griffith.....	Dallas.....

UTAH TERRITORY.

July 11, 1873.....	A. S. Gould.....	Salt Lake.....
February 16, 1875.....	Julia K. Sutherland.....	Salt Lake.....

VIRGINIA.

September 3, 1872.....	John S. Brady.....	Richmond.....
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WASHINGTON TERRITORY.

November 25, 1872.....	Isaac N. Reed.....	Walla Walla.....
January 22, 1873.....	M. M. Harkness.....	Whatcom.....
July 8, 1873.....	L. A. Banks.....	Walla Walla.....

GREAT BRITAIN.

February 7, 1874.....	William Grain.....	London.....	May 28, 1874
February 18, 1874.....	John Henry Grain.....	London.....	April 22, 1874
April 29, 1874.....	A. W. Cooke.....	London.....
November 18, 1874.....	M. H. Jacobs.....	London.....	July 24, 1875

MEXICO.

February 6, 1873.....	Frank H. McCormick.....	Mexico.....
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SANDWICH ISLANDS.

November 3, 1875.....	John H. Patty.....	Honolulu.....
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FRANCE.

July 22, 1872.....	Charles S. Johnson.....	Paris.....	December 12, 1872
February 10, 1874.....	John M. Read, Jr.....	Paris.....
February 24, 1874.....	Emile B. Morel.....	Paris.....	April 4, 1874

CONSTITUTION
OF THE
STATE OF CALIFORNIA.



CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED EIGHTEEN HUNDRED AND SIXTY-TWO.

WE, The People of California, grateful to Almighty God for our freedom, in order to secure 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 right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness 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. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he 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; nor shall private property be taken for public use without just compensation.

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 on indictments 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.

SEC. 10. The people shall have the right freely to 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 in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. 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 to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

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

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights, in respect to the possession, enjoyment, and inheritance of property, as native-born citizens.

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

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

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

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Querétaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

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

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

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

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. 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, the 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 in the cases hereinafter 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 be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[Amended, 1862.]

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[Amended, 1862.]

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. 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, and of the county or district for which he shall be chosen, one year next before his election.—[Amended, 1862.]

SEC. 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen biennially.—[Amended, 1862.]

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

SEC. 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

SEC. 9. 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. 10. Each House shall determine the rule of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 11. Each House shall keep a journal of its own 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. 12. 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. 13. 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. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 17. 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 the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House present, 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.

SEC. 18. 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 present.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, 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 a manner as the Legislature may provide.

SEC. 20. 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 shall have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 21. 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 to which there is attached no annual salary, or local officers and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit, under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the years one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty, nor more than eighty.

SEC. 30. When a congressional, senatorial, or assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a congressional, senatorial, or assembly district, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many congressional, senatorial, or assembly districts as such county may by apportionment be entitled to.—[Amended, 1862.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 33. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

SEC. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the journal.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

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 in December subsequent to his election, and until his successor is elected and qualified. —[*Amended, 1862.*]

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said 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 said 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, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

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. The Governor shall have the power to grant reprieves and pardons 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, he shall have the 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. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. 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. 15. 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. 16. 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 only have 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 of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

SEC. 17. 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. 18. 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 whose term of office shall be the same as the Governor. —[*Amended, 1862.*]

SEC. 19. The Secretary of State shall keep a fair 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; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

SEC. 20. The Controller, Treasurer, Attorney-General and Surveyor-General shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall each, 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; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.—[Amended, 1862.]

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.—[Amended, 1862.]

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.—[Amended, 1862.]

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; 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 all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all 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 on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court in the State, or before any Judge of said Courts.—[Amended, 1862.]

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen judicial districts, subject to such alteration, from time to time, by a two-thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office.—[Amended, 1862.]

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, 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 also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[Amended, 1862.]

SEC. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[Amended, 1862.]

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established in pursuance of section one of this article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.—[Amended, 1862.]

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.—[Amended, 1862.]

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court 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.—[Amended, 1862.]

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several Districts Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.—[Amended, 1862.]

SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.—[Amended, 1862.]

SEC. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.—[Amended, 1862.]

SEC. 14. 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.—[Amended, 1862.]

SEC. 15. The Justices of the Supreme Court, District Judges, and County Judges shall severally, 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; *provided*, that County Judges shall be paid out of the county treasury of their respective counties.—[Amended, 1862.]

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.—[Amended, 1862.]

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[Amended, 1862.]

SEC. 18. 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.—[Amended, 1862.]

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said article six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.]

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. 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.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBTS.

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 some 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 dis-

charge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepalable 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 have received a majority of all the votes cast for and against it at such election; and all money 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 judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and, sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.— [*Amended, 1862.*]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be 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 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. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then 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 as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such convention shall be submitted to the people at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be

ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[Amended November 4, 1856.]

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided, however*, that two-thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

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 on 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. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county; and these Supervisors shall, jointly and individually, perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years.

SEC. 8. The fiscal year shall commence on the first day of July.

SEC. 9. Each county, town, city, and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

SEC. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 17. 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. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, 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. 19. 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. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations, and provisions which, from their nature, require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred 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 thereon 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, all the islands, harbors, and bays along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect, to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people, for their ratification or rejection, at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or, in case of vacancy, the Sub-Prefects, or Senior Judge of First Instance, to cause such election to be held on the day aforesaid, in their respective districts. The election shall be conducted in the manner which was prescribed for the election of delegates to this convention, except that the Prefects, Sub-Prefects, or Senior Judge of First Instance, ordering such election in each district, shall have power to designate any additional number of places for opening the polls, and that, in every place of holding the election, a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot-box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election as herein provided. At the close of the election the Judges and Inspectors shall carefully count each ballot and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or Senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature, and also two members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the Senate shall elect a President pro tempore until the Lieutenant-Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and, within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives of the Congress of the United States, elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and senatorial and assembly districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz: The Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles traveled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in article eighth of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

Wm. G. MARCY, Secretary.

JOSEPH ARAM,
 CH. T. BOTTS,
 ELAM BROWN,
 ELISHA O. CROSBY,
 JOSÉ M. COVARUBIAS,
 STEPHEN C. FOSTER,
 PABLO DE LA GUERRA,
 LEWIS DENT,
 KIMBALL H. DIMMICK,
 A. J. ELLIS,
 JOSÉ ANTO. CARRILLO,
 WM. M. GWIN,
 EDW. GILBERT,
 HENRY HILL,
 J. D. HOPPE,
 JOSEPH HOBSON,
 JULIAN HANKS,
 H. W. HALLECK,
 L. W. HASTINGS,
 J. McHENRY HOLLINGSWORTH,
 JAS. McHALL JONES,
 THOMAS O. LARKIN,
 FRANCIS J. LIPPITT,
 BENJ. S. LIPPINCOTT,

R. SEMPLE,

President, and Delegate from Benicia.

BENJ. F. MOORE,
 RODMAN M. PRICE,
 JNO. McDOUGALL,
 MAN'L DOMINGUEZ,
 MYRON NORTON,
 PACIFICUS ORD,
 MIGUEL D. PEDRORENA,
 M. M. McCARVER,
 ANTONIO MA. PICO,
 JACINTO RODRIGUEZ,
 HUGH REID,
 J. A. SUTTER,
 JACOB R. SNYDER,
 WINFIELD SCOTT SHERWOOD,
 WILLIAM E. SHANNON,
 ABEL STEARNS,
 P. SANSEVAIN,
 WM. M. STEUART,
 HENRY A. TEFFT,
 M. G. VALLEJO,
 THOS. L. VERMEULE,
 J. P. WALKER,
 O. M. WOZENCRAFT.



STATUTES.



STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-FIRST SESSION OF THE LEGISLATURE.

CHAP. I.—*An Act to prevent changes in the text-books in use in the public schools.*

[Approved December 13, 1875.]

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

SECTION 1. The text-books in use in the public schools during the years eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five, shall be continued in use in all the public schools of this State until otherwise provided by statute, any provision in the existing law, or any act of the State Board of Education done, or to be done, to the contrary notwithstanding.

Text-books
to be
continued
in use.

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

CHAP. II.—[See volume of *Amendments to the Codes.*]

CHAP. III.—*An Act to authorize the Superintendent of Public Schools for the County of Tehama to apportion certain school moneys, and to draw his warrant for the same.*

[Approved December 22, 1875.]

WHEREAS, The Board of Trustees of the Red Bluff School District, in the County of Tehama, found it necessary to

Preamble.

Preamble.

employ Charles H. Merchant to teach the first intermediate department of the public school of said district, for the term commencing in December, A. D. eighteen hundred and seventy-five (1875); and whereas, the said Charles H. Merchant, at the time of his employment as such teacher, did not hold a legal and proper certificate under the law authorizing him to teach in the public schools of California, by reason of his short residence in this State; and whereas, his said teaching has been entirely satisfactory to said Board of Trustees of the Red Bluff School District, and to the patrons of said school, and whereas, the said Charles H. Merchant was, at the date of his arrival in this State, to wit. on the tenth day of September, A. D. eighteen hundred and seventy-five (1875), the holder of two first grade county teachers' certificates in the State of Illinois; and whereas, section eighteen hundred and sixty of the Political Code of the State of California expressly prohibits the apportionment of State or county school moneys, unless the teachers employed in the school of such district hold legal certificates of fitness for teaching, in full force and effect; and whereas, section seventeen hundred of said Code expressly prohibits the drawing of a warrant by the County Superintendent of Schools in favor of any teacher, for the payment of his salary as such teacher, unless he holds a legal certificate for teaching, in full force and effect; therefore,

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

To apportion school money, and draw warrants

SECTION 1. The County Superintendent of Public Schools in and for the County of Tehama is hereby authorized and directed to apportion all school moneys of the School Fund of said county, and to draw all warrants upon the School Fund of the Red Bluff School District, in said county, upon the orders drawn by the Trustees of said school district, upon the same as if the teachers in said school were and are the holders of legal certificates of fitness for teaching in the public schools of this State, subject to all the restrictions and requirements provided by law, save and except the conditions imposed upon the County Superintendents of Public Schools, by reason of teachers not holding certificates of fitness for teaching in said public schools.

How long to be in force

SEC. 2. This Act shall take effect immediately, and be in force until the first of July, eighteen hundred and seventy-six (1876).

CHAP. IV.—*An Act for the relief of S. A. Booker.*

[Approved December 22, 1875.]

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

SECTION 1. The Controller of State is hereby authorized to issue a duplicate warrant, number four thousand seven hundred and thirty, for the sum of four hundred and sixty-eight, A. D. one thousand eight hundred and seventy-four, in favor of S. A. Booker, in lieu of the original, which has been lost.

Controller to issue duplicate warrant.

SEC. 2. The State Treasurer is hereby authorized to pay the said warrant; *provided*, the said S. A. Booker shall file a bond, with two good and sufficient sureties, to be approved, as to form and sufficiency, by the Attorney-General, that should the original warrant be produced the said sureties shall indemnify the State of California, through its State Treasurer, in the full sum or amount of said warrant.

Treasurer to pay warrant on the filing of bond by Booker.

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

CHAP. V.—*An Act to provide for an additional Justice of the Peace and Constable for the Township and County of Los Angeles.*

[Approved December 22, 1875.]

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

SECTION 1. There shall henceforth be in the Township of Los Angeles, in the County of Los Angeles, a Justice of the Peace in addition to the two now allowed by law, who shall have the same jurisdiction, civil and criminal, as is provided by law for Justices of the Peace. There shall also be an additional Constable in said township, who shall attend the Courts of the Justice herein provided for, and perform such other duties as Constable as shall be lawfully committed to him.

Additional Justice of the Peace.

Additional Constable.

SEC. 2. The Board of Supervisors of the County of Los Angeles, at its next session after the passage of this Act, or as soon thereafter as practicable, shall appoint a suitable person to fill the office of Justice, and another to fill the office of Constable, in and for said township; and the persons so appointed shall qualify and give undertakings in the manner and to the amount provided by law in like cases.

Supervisors shall appoint.

SEC. 3. The Justice so appointed shall hold office until the next judicial election in said county, and until his successor shall be elected and qualified, and the Constable so appointed shall hold office until his successor shall be elected

To hold office until successors are elected.

and qualified, at the next ensuing election for Constables in said township and county.

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

CHAP. VI.—*An Act for the support of the State Printing Office.*

[Approved, December 22, 1875.]

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

Money appropriated for contingent expenses.

SECTION 1. The sum of one thousand dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the contingent expenses of the Superintendent of State Printing for the twenty-seventh fiscal year; for the payment of postage, expressage, freighting, telegraphing, and wages due employés, when the amount due any employé shall be for less than a week's work.

Appropriation for support of

SEC. 2. The sum of forty thousand dollars is appropriated out of the General Fund for the support of the State Printing Office for the twenty-seventh fiscal year.

To report to Board of Examiners.

SEC. 3. The Superintendent must report to the Board of Examiners, at each meeting of the Board, the name of each employé in his office and the amount due him for labor; and if the Board audit the same the Controller must draw a warrant in favor of such employé for the amount due, and the audited account and report of the Superintendent shall be the voucher to the Controller for all the warrants drawn therefor.

Account and report to be voucher.

When to advance money out of public funds.

SEC. 4. The State Treasurer is hereby authorized, when the General Fund is exhausted, to advance the money on the Controller's warrants drawn for wages and salaries of the employés in the State Printing Office out of any public funds in the treasury, which warrants shall be his vouchers until there is money in the General Fund to cancel them; *provided*, that this section shall not apply to any fund against which there are any warrants then due or to become due, or so as to keep claimants out of their just demands.

SEC. 5. This Act to take effect immediately.

CHAP. VII.—*An Act amendatory of an Act entitled an Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved January 7, 1876.]

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

SECTION 1. Section eleven of said Act is amended to read as follows: Section 11. This Act shall only apply to the Counties of Solano, Marin, and Sacramento, and the First Supervisor District in the County of Mono. Where to apply.

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

CHAP. VIII.—[See volume of *Amendments to the Codes.*]

CHAP. IX.—[See volume of *Amendments to the Codes.*]

CHAP. X.—[See volume of *Amendments to the Codes.*]

CHAP. XI.—*An Act to amend an Act entitled an Act to fund certain indebtedness of Sonoma County, approved February twelfth, eighteen hundred and seventy-four.*

[Approved January 12, 1876.]

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

SECTION 1. Section three of said Act is hereby amended to read as follows: Section 3. All persons holding any of said warrants must present the same to said Commissioners, and shall receive in exchange said bonds for the full amount of principal and interest due on the first day of March, one thousand eight hundred and seventy-four. The Commissioners must give to each person a certificate for any fractional amount less than the smallest denomination of bonds, Warrants to be presented.
To receive bonds in exchange.

To give
certificates
for fractional
amounts.

Warrants to
be cancelled.

Certificates
to be paid.

and such certificate must be received and funded in the same manner as the original warrants, when presented with other certificates or warrants in sufficient amount to make up a bond authorized by this Act. It shall be the duty of said Board to cause all such warrants for which bonds shall be issued, as herein provided, to be canceled immediately after issuing bonds therefor. And all certificates of a less amount than the smallest bond authorized by this Act to be bonded shall be paid out of the General Fund of the county, together with legal interest thereon; and the Board of Supervisors must direct the Auditor to draw his warrant on the Treasurer for the amount due on such warrant, and the Treasurer must pay the same.

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

CHAP. XII.—[See volume of *Amendments to the Codes.*]

CHAP. XIII.—[See volume of *Amendments to the Codes.*]

CHAP. XIV.—[See volume of *Amendments to the Codes.*]

CHAP. XV.—*An Act in relation to roads in Plumas County.*

[Approved January 20, 1876.]

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

To contract
for keeping
in repair

SECTION 1. The Board of Supervisors of Plumas County are authorized to contract for the keeping in repair any public road, or any portion of such road in said county, not less than five miles in length.

To be let to
lowest
bidder.

SEC. 2. Such contract shall be let to the lowest responsible bidder, after three weeks' published notice of their intention to let the same.

To execute
bond.

SEC. 3. The person taking such contract shall execute and deliver to said Board such bond for the faithful performance of his duties under the contract, as the said Board may require.

SEC. 4. Such contract shall not be for a longer term than one year, but may be renewed in the same manner, from year to year, as the original contract was let. May be renewed.

SEC. 5. The Board may authorize the person taking such contract to collect such tolls on the road in his charge during the term of his contract as may pay the expense of keeping the same in repair; and upon the expiration of his contract he shall report to the said Board the full sum collected by him from such tolls, and if there be any surplus in his hands after paying the sum contracted to be paid him by the Board, he shall pay the same over to the County Treasurer for the benefit of the General Road Fund of the county. To collect tolls. To report to Board. To pay over.

SEC. 6. This Act shall take effect upon its passage.

CHAP. XVI.—[See volume of *Amendments to the Codes.*]

CHAP. XVII.—[See volume of *Amendments to the Codes.*]

CHAP. XVIII.—See volume of *Amendments to the Codes.*

CHAP. XIX.—[See volume of *Amendments to the Codes.*]

CHAP. XX.—*An Act to fund certain indebtedness of Plumas County.*

[Approved January 21, 1876.]

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

SECTION 1. The County of Plumas is authorized to fund the warrants outstanding against the Road Fund of said county at the date of the passage of this Act. To fund warrants.

SEC. 2. The Board of Supervisors of said county shall cause to be prepared bonds, payable in United States gold coin, bearing interest at the rate of seven per cent. per Bonds to be prepared.

- annum from the first day of March, eighteen hundred and seventy-six, of denominations not less than fifty nor more than five hundred dollars each, payable at the office of the Treasurer of said county, on or before the first day of March, eighteen hundred and eighty-six. Every bond must be signed by the Chairman of the Board of Supervisors, attested by the Clerk and seal of said Board, and countersigned by the Treasurer of said county, and purport that the County of Plumas owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. Each bond shall have ten coupons attached, each coupon for the interest on the bond to which it is attached, for one year. The coupons shall be numbered consecutively, attached so as to be removed without mutilating the bond, and shall each be signed by the Treasurer. When paid, or when the bonds to which they are attached are canceled, the coupons shall be canceled in the same manner as herein provided for the cancellation of the bonds.
- Payable to Treasurer.**
- Bonds to be signed and attested.**
- To have coupons attached and numbered.**
- When paid to be canceled.**
- Warrants to be presented to Board.**
- Certificates given when funded.**
- Warrants to be canceled.**
- An account of each bond to be kept.**
- Notice of funding to be published.**
- Books and vouchers delivered to District Attorney.**
- Tax to be levied.**
- Interest, when payable.**
- SEC. 3.** All persons holding any warrants against said fund must present the same to the said Board of Supervisors, and shall receive in exchange said bonds for the principal and interest due on the first day of March, eighteen hundred and seventy-six. The Supervisors must give to each person a certificate for any fractional amount less than the smallest denomination of bonds, and such certificates must be received and funded in the same manner as the original warrants when presented with other certificates or warrants in sufficient amount to make up a bond authorized by this Act. It shall be the duty of said Board to cause all warrants for which bonds shall be issued as herein provided, to be canceled immediately after issuing bonds therefor.
- SEC. 4.** The Clerk of said Board and the Treasurer must each keep an account of the number, denomination, and date of each bond, and to whom issued.
- SEC. 5.** Before the first day of March, eighteen hundred and seventy-six, the Board of Supervisors shall cause notice to be given of their readiness to fund said indebtedness, in some newspaper published in said county, which notice must be published weekly for four weeks. No bonds herein provided for shall be issued after the first day of September, eighteen hundred and seventy-six, and within ten days thereafter the officers above named shall deliver to the District Attorney of said county all books and vouchers relating to their duties under this Act, except the records of said bonds hereinbefore provided for; and it shall be his duty to preserve the same.
- SEC. 6.** There shall be levied and collected annually, by the proper officers, to meet the requirements of this Act, a tax not exceeding thirty cents on each one hundred dollars' worth of property in said county, to be called the "Funded Debt Tax." The manner of levying said tax shall be the same as that provided by law for levying and collecting other county taxes.
- SEC. 7.** On the first Monday of March, eighteen hundred and seventy-seven, and annually thereafter, the interest upon

said bonds shall be payable at the office of the Treasurer of said county, from the moneys raised by the said "Funded Debt Tax." If at any time, after paying said interest, there should be in said fund a sum equal to five hundred dollars, the Treasurer shall advertise in some newspaper published in said county, for two weeks, for sealed proposals for the redemption of said bonds. The Treasurer shall open said proposals in the presence of the County Judge of said county, and must accept only of such as are lowest; but no bond shall be redeemed at a greater amount than the par value thereof, with the amount of interest which has accumulated on such bond since the payment of the last coupon thereon. If no bids are made below par and interest added, the sum shall be applied to the payment of the outstanding bonds in the order of their number as recorded by the Treasurer. Interest shall cease from the time that notice is given of the Treasurer's readiness to pay any designated bond.

To advertise for redemption of bonds.

Redemption not to exceed par value.

Interest to cease after notice.

Bonds to be canceled.

SEC. 8. Whenever the Treasurer shall pay any of said bonds he shall cancel the same, and preserve and keep a record thereof, giving the number, date, and denomination of each, and from whom received, and shall write across the face of the bond "Canceled by me," and sign his name thereto as Treasurer.

SEC. 9. The Clerk of the Board of Supervisors and the Treasurer shall each receive for his services, under the provisions of this Act, the sum of fifty dollars, which, together with the expense of preparing said bonds, shall be allowed by the Board of Supervisors and paid out of the General Fund of the county. The officers charged with carrying out the provisions of this Act shall be individually and upon their official bonds respectively responsible for the performance of their several duties as herein specified.

Compensation of Clerk and Treasurer.

Officers responsible.

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

CHAP. XXI.—*An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano, approved February twenty-fourth, eighteen hundred and seventy-four.*

[Approved January 27, 1876.]

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

SECTION 1. Section twenty-four of said Act is amended to read as follows: Section 24. The said Board of Education are hereby authorized and it shall be their duty to levy annually, a special school tax upon all the taxable property in said township, for an amount which, together with the State and county money to be received, shall be sufficient to maintain the public schools in said township for ten months during the year. And said tax shall be levied, assessed

To levy special tax.

Sales for delinquent taxes, where made

equalized, and collected in the manner provided in the next succeeding sections of this Act, except that all sales of real estate for delinquent school taxes in said township shall be made in front of the City Hall, in the City of Vallejo.

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

CHAP. XXII.—*An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.*

[Approved January 27, 1876.]

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

For office of Secretary of State

For Stationery, etc Fund

SECTION 1. The following moneys are hereby appropriated, out of any moneys in the General Fund of the State treasury not otherwise appropriated, for the objects herein named: For deficiency in appropriation for postage, expressage, telegraphing and transportation in the office of the Secretary of State, eleven hundred dollars; for deficiency in the Stationery, Lights and Fuel Fund, on account of moneys drawn from said fund by the Board of Examiners for the purchase of ballot paper (which moneys as returned to the treasury have become a portion of the General Fund), the sum of six thousand three hundred and seventy dollars.

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

CHAP. XXIII.—*An Act to repeal an Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved January 27, 1876.]

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

Repealing clause

SECTION 1. An Act entitled an Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors, approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

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

CHAP. XXIV.—*An Act relative to the Treasurer's office of the County of Sonoma.*

[Approved January 27, 1876.]

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

SECTION 1. The County Judge, Auditor, and District Attorney of Sonoma County must each month count the money in the county treasury, and must not give the Treasurer any previous notice of the day or hour of counting, and must make and verify, under oath, to the County Clerk, a statement showing: first, the amount of money that ought to be in the treasury; second, the amount and kind of money actually therein.

Must count money in treasury.

Must make statement thereof under oath.

SEC. 2 The County Clerk must furnish a copy of such statement to the Board of Supervisors at each of its regular meetings.

Must furnish copy of statement

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

CHAP. XXV.—[See volume of *Amendments to the Codes.*]

CHAP. XXVI.—*An Act to amend an Act entitled "An Act to provide for the location and maintenance of public roads in the County of Tulare," approved March sixth, eighteen hundred and seventy-four.*

[Approved January 27, 1876.]

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

SECTION 1. Section twenty-two of an Act entitled "An Act to provide for the location and maintenance of public roads in the County of Tulare," approved March sixth, eighteen hundred and seventy-four, is amended to read as follows: Section 22 The Board of Supervisors shall authorize the County Surveyor to begin and complete, at the earliest day practicable, any road or roads required to be surveyed under the provisions of this Act, and prepare and file field notes thereof; *provided*, that in all cases where public roads are to be located upon section or township lines, the Road Commissioners may locate such roads upon known section or township lines, and file a description thereof without having the same surveyed. The County Surveyor, when required to survey any road under the provisions of this Act, shall receive, as compensation for each day's service, actually and necessarily performed while engaged in such duty, the sum of ten dollars; and for each assistant similarly employed,

County Surveyor to make survey and file field notes

May locate certain roads without survey

Compensation of Surveyor

The Board may elect other Surveyor

Contracts to be let or sold on public highways

the sum of three dollars; *provided*, that if the County Surveyor shall refuse to perform the said labor for the per diem above specified, the Board of Supervisors may elect some other competent surveyor to make such survey. All contracts let or sold, for the payment of which orders may be drawn upon the Road Fund of the county, either by the Board of Supervisors or the Road Commissioner, shall be let or sold on what have been declared public highways by the Board of Supervisors.

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

CHAP. XXVII.—*An Act to further define the duties of the Short-hand Reporter of the County Court of the County of San Joaquin.*

[Approved January 27, 1876.]

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

Shall take down evidence at inquest or cases of felony

Shall be prima facie evidence

Compensation of reporter

SECTION 1. The short-hand reporter of the County Court of the County of San Joaquin, in addition to the duties of such reporter, as prescribed in section two hundred and sixty-nine of the Code of Civil Procedure, shall, at the request of the District Attorney of said county, appear before the Coroner at any inquest, or before any committing magistrate, in cases of felony, and take down in short-hand the evidence at such inquest, or any preliminary examination for felony.

SEC. 2. The notes of said reporter so taken shall be prima facie evidence of the testimony given before such Coroner or committing magistrate.

SEC. 3. Said reporter shall receive for such services as are required by section one of this Act, when actually employed, such compensation as is allowed by law for services in civil cases in the District and County Courts of this State, which said compensation shall be paid by the county.

SEC. 4. This Act shall take effect immediately.

CHAP. XXVIII.—*An Act to empower the City Council of the City of Stockton to adopt measures to protect said city from inundation, and for the taking of private property for public use.*

[Approved January 27, 1876.]

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

To purchase, acquire, or condemn property.

SECTION 1. The City Council of the City of Stockton are hereby authorized and empowered to purchase, acquire, or

condemn any property, public or private, it may deem necessary in the prosecution of the work and improvements hereinafter named, or to protect said city, or any portion thereof, from overflow or inundation.

SEC. 2. For the purpose of constructing a levee or levees, and ditches or drains, or any other necessary work to secure said city, or any portion thereof, from overflow or inundation, the said City Council are hereby authorized to cause to be condemned and appropriated to public uses any lands, estate, or property, whether the same be held for private or public use, which shall be actually necessary for such purpose, and the proceedings for such condemnation shall be in accordance with and in conformity to the practice and method of procedure prescribed in Title VII of Part III. of the Code of Civil Procedure; and the petition therefor shall be filed, and the proceedings conducted, in the name of the City of Stockton, in which name all lands, estates, or property rights, purchased or acquired hereunder, shall be taken and held.

To construct levees, ditches, etc

Authorized to condemn private or public property

Proceedings conducted in name of the City of Stockton

SEC. 3. For the purpose of defraying the cost and expense of the work and proceedings herein authorized, the City Council of said City of Stockton is hereby authorized and empowered to levy and collect a tax in the same manner, and at the same time other city taxes are levied, said tax to be levied for not exceeding five successive years, and the rate thereof not to exceed, in any year, fifteen cents upon each one hundred dollars valuation.

To levy and collect tax

SEC. 4. The moneys collected under the provisions of this Act shall be kept in a separate fund, to be called the "Levee Fund," and shall be disbursed only in the payment of liabilities incurred under the provisions of this Act.

Moneys kept as separate fund

SEC. 5. Should the amount of moneys raised in any one year be insufficient to meet the expenses audited by the City Council for such year, the City Clerk of said city, by order of the City Council, shall issue warrants for such unpaid balance, payable out of said fund, which warrants shall bear interest at the rate of seven per cent. per annum from and after the date of the presentation thereof to the Treasurer of said city, which officer shall indorse on each warrant presented to him, and not paid for want of funds to meet the same, a memorandum of such presentation and the date thereof.

Shall issue warrants for unpaid balance Warrants to bear interest

SEC. 6. Any expenditures made under the provisions hereof shall not be included as part of the current expenses of said city, within the provisions of sections thirty-eight and thirty-nine of the charter of said city.

Not to be included in current expenses

SEC. 7. The City Council of said city shall have power and authority to make and pass all by-laws, ordinances, orders, and resolutions, necessary for the execution of the powers herein conferred, and for carrying into effect the provisions of this Act.

To pass by-laws, ordinances, etc

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

CHAP. XXIX.—[See volume of *Amendments to the Codes.*]

CHAP. XXX.—[See volume of *Amendments to the Codes*]

CHAP. XXXI.—[See volume of *Amendments to the Codes*]

CHAP. XXXII—*An Act making the County Recorder of Solano County ex officio Auditor of said county, and fixing his compensation.*

[Approved January 28, 1876.]

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

County
Recorder to
be ex officio
Auditor

SECTION 1. From and after the first Monday in March, A. D. eighteen hundred and seventy-eight, the County Recorder of Solano County shall be ex officio Auditor of said county.

Compensa-
tion as
Auditor

SEC. 2. The County Recorder shall receive, in addition to the salary provided by law for his services as Recorder, from and after said date, for his services as Auditor, the sum of five hundred dollars per annum, payable in monthly installments out of the Salary Fund of said county.

CHAP. XXXIII—*An Act to provide for the redemption of certain bonds of the County of Solano.*

[Approved January 28, 1876.]

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

To set apart
moneys to
pay out-
standing
bonds

SECTION 1. The Board of Fund Commissioners of Solano County shall set apart, out of the moneys which shall come into the Interest and Redemption Fund of said county for the fiscal year of eighteen hundred and seventy-six, a sufficient amount to pay the principal and interest upon all outstanding bonds issued under the provisions of an Act entitled "An Act to fund the debt of the County of Solano,

and to provide for the payment thereof," passed April twenty-fourth, eighteen hundred and fifty-four.

SEC. 2. Immediately thereafter the said Board of Fund Commissioners shall advertise in some newspaper published in Solano County, and also in a newspaper published in the City and County of San Francisco, once a week for four weeks, stating therein that said bonds will be paid on presentation to the Treasurer of Solano County, and if not presented within thirty days from the first publication of said notice, said bonds will cease to bear interest.

Shall advertise in some newspaper
Not to bear interest after thirty days

SEC. 3. The Treasurer shall pay said bonds and the interest thereon out of the moneys set apart as aforesaid, upon their presentation, and shall cancel the same by writing the cancellation across the face thereof, with its date signed by him as Treasurer.

Shall pay bonds out of moneys set apart and cancel same

SEC. 4. If said bonds shall not be presented for payment and cancellation at the expiration of the period of four weeks from the first publication of said notice, then the moneys set apart for the payment of said bonds, as provided in the first section of this Act, shall remain in the treasury to discharge such bonds when presented, but said bonds shall draw no interest after the expiration of such publication.

If bonds not presented within four weeks, to be paid without interest

SEC. 5. If said bonds shall not be presented for payment and cancellation within two years next after the time mentioned in such notice for presentation thereof, then the same shall be deemed to be satisfied and paid, and no action shall be maintained thereon, and the moneys set apart for the payment thereof shall be transferred to the General Fund of said county.

If not presented in two years shall be deemed to be satisfied Money transferred to General Fund

CHAP. XXXIV.—*An Act to empower the Board of Supervisors of Los Angeles County to authorize the appointment of a District Attorney for said county, and to authorize his payment.*

[Approved January 28, 1876.]

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

SECTION 1. The Board of Supervisors of Los Angeles County are hereby empowered to authorize the District Attorney of said county to appoint a Deputy District Attorney at a salary not exceeding one hundred and fifty dollars (\$150) per month, the Deputy so appointed subject to the approval of the Board of Supervisors of said county.

Deputy District Attorney.
Salary of.

SEC. 2. This Act shall take effect from and after the first day of March, A. D. one thousand eight hundred and seventy-six (1876).

CHAP. XXXV.—*An Act to provide for the transfer of certain road moneys in Placer County.*

[Approved January 28, 1876]

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

To transfer money in Road Fund to General Road Fund

SECTION 1. The County Auditor and County Treasurer of Placer County are hereby authorized and directed to transfer all moneys now in the "County Road Fund" to the "County General Road Fund."

SEC. 2. This Act shall take effect immediately.

CHAP. XXXVI.—*An Act to authorize the Secretary of State to furnish the County Judge, County Clerk, and District Attorney of Modoc County with certain laws of the State of California.*

[Approved January 28, 1876.]

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

California Reports to be furnished by Secretary of State

SECTION 1. It shall be the duty of the Secretary of State to procure and furnish three copies of the reports of the Supreme Court of California, from volume one to volume forty, inclusive, of said volumes, to the County of Modoc, to be distributed as other laws of this State, as follows: One copy to the office of County Judge; one copy to the office of District Attorney, and one copy to the office of County Clerk.

SEC. 2. Any expense necessarily incurred in carrying into effect the provisions of this Act shall be audited, and shall be paid by the State Treasurer out of any funds not otherwise appropriated.

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

CHAP. XXXVII.—*An Act to fix the bonds of the Tax Collectors of Fresno, Tulare, and Kern Counties.*

[Approved January 28, 1876]

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

Bonds of Tax Collectors of Fresno, Tulare, and Kern

SECTION 1. The bonds of the Tax Collectors or ex officio Tax Collectors of Fresno, Tulare, and Kern Counties, shall be fixed from time to time by the Board of Supervisors of each of said counties, in such a sum as the Board may deem necessary for that county; *provided*, no one of said bonds

shall be fixed in a less sum than fifty thousand dollars (\$50,000) nor in a greater sum than one hundred thousand dollars (\$100,000).

SEC. 2. The Board of Supervisors of each of said counties shall, at the next meeting after the passage of this Act, made an order fixing the amount of the bond of the Tax Collector in each of said counties, according to the provisions of this Act, and the Tax Collector of each of said counties shall, within thirty days after said order, give a bond in the sum fixed by the Board of Supervisors of that county, with sufficient sureties, and approved by the proper officers in each of said counties, as provided by law.

To fix amount of bond

To be given in thirty days

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they apply to the Counties of Fresno, Tulare, and Kern.

Acts inconsistent, repealed

SEC. 4. This Act shall take effect immediately.

CHAP. XXXVIII.—*An Act fixing the bonds of the County Treasurers of the Counties of Mariposa, Tuolumne, and Calaveras.*

[Approved January 28, 1876.]

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

SECTION 1. The Counties of Mariposa, Tuolumne, and Calaveras are hereby exempt from the provisions of section four thousand one hundred and twenty-two of the Political Code, as amended by the Act of the Legislature approved March thirtieth, eighteen hundred and seventy-four, so far as the same relates to the County Treasurers of the Counties of Mariposa, Tuolumne, and Calaveras. The official bond of the Treasurers of the Counties of Mariposa, Tuolumne, and Calaveras shall be in the penal sum of twenty-five thousand dollars.

Exempt from provisions of Section 4122, Political Code

Penalty of bonds

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

CHAP. XXXIX.—*An Act to provide for the payment of the indebtedness registered against the General Road Fund of Sutter County.*

[Approved January 28, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Sutter shall levy annually at their sessions, when the tax is by them levied for county purposes, a tax not to exceed

shall levy tax

twentycents on each one hundred dollars of taxable property of said county, for the then current year, as listed by the Assessor.

To be collected as other taxes are

SEC. 2. Said tax must be annually collected by the same officers, and in the same manner as other State and county taxes are collected.

To pay warrants on General Road Fund

SEC. 3. Said tax shall be applied to the payment of the warrants registered against the General Road Fund of said county, in the order of their registration.

When to cease

SEC. 4. When all warrants now registered against said fund are paid, and redeemed, this Act shall cease and determine, and any moneys remaining in the fund hereby created, after the redemption of said warrants, shall be used for road purposes in said county, in the discretion of said Board.

Money to be used for road purposes

SEC. 5. This Act shall take effect immediately.

CHAP. XL.—*An Act to authorize the Board of Supervisors of Modoc County to erect a jail, and to issue the bonds of the county therefor.*

[Approved January 29, 1876.]

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

County Jail

SECTION 1. It shall be the duty of the Board of Supervisors of Modoc County to cause to be erected a suitable building, at the county seat of said county, for a County Jail, and the said Board of Supervisors are hereby fully empowered, after having exhausted the funds not otherwise appropriated in the building fund of said county, in payment for the construction thereof, to issue the bonds of the county, payable in one and two years, bearing interest at the rate of ten per cent. per annum, for the balance of the cost of the construction of said jail; *provided, however*, that the cost of the construction of said jail shall not exceed the sum of three thousand dollars.

To issue bonds

Cost not to exceed three thousand dollars

SEC. 2. All Acts and parts of Acts in conflict herewith, so far as they are in conflict, are hereby repealed.

CHAP. XLI.—*An Act to authorize the electors of the County of Tehama to vote on the question of continuing in force an Act of the Legislature commonly known as the "stock law."*

[Approved January 29, 1876]

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

SECTION 1. The Board of Supervisors of Tehama County are hereby authorized to meet at the Court-house, in said

county, on the seventh day of February, eighteen hundred and seventy-six, and then and there cause to be published a notice to the electors of said county of an election to take place on the last Saturday of February, eighteen hundred and seventy-six, at which election shall be submitted the question of the repeal of the Act of the Legislature entitled "An Act to protect agriculture and prevent the trespass of animals in Tehama County." The ballots to be used at said election shall be the uniform size and kind now provided by law, upon which shall be written or printed either the words "For repeal of stock law," or, "Against repeal of stock law." Said election shall be conducted the same as elections for State and county officers, except that the Board of Supervisors shall meet within five days after said election to canvass the returns; *provided*, said returns have, within five days, been forwarded to and deposited in the office of the County Clerk of said county.

Shall call election

Ballots

Shall canvass the returns

SEC. 2. Immediately upon ascertaining the result of said election, the County Clerk of said county shall make out a statement of the vote of the several precincts of said county, and certify the same, and forward such statement to the Legislature.

Shall certify statement to the Legislature

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

CHAP. XLII.—[See volume of *Amendments to the Codes.*]

CHAP. XLIII.—*An Act to amend an Act entitled an Act for the incorporation of the Town of Wheatland, approved March thirteenth, eighteen hundred and seventy-four.*

[Approved January 29, 1875.]

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

SECTION 1. Section ten of said Act is hereby amended so as to read as follows: Section 10. The Board of Trustees may impose and appropriate fines, forfeitures, and penalties, for breaches of their ordinances, and may provide for the punishment of breaches of the same, but no fine shall be imposed in any case of more than five hundred dollars, nor imprisonment for a longer term than three months. All violations of said ordinances shall be prosecuted in the name of the people of the State of California, and any Justice of the Peace having his office in said town shall have jurisdiction over all violations of said town ordinances, and may hold to bail, fine, or commit to prison, offenders, in accordance with the provisions of such ordinances, and he

Imposing of fines and penalties for breaches of city ordinances.

shall have jurisdiction of all proceedings for the recovery of any penalty, fine, or forfeiture imposed by ordinance; *provided*, that the amount thereof shall not exceed five hundred dollars. All fines collected in pursuance of this Act shall, after the payment of the costs of the action, be paid over to the Treasurer of the town.

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

CHAP. XLIV.—*An Act to amend section two of an Act entitled an Act to provide for the government of the common schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.*

[Approved January 31, 1876.]

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

City Super-
intendent of
Schools
to be Truant
Officer

SECTION 1. Section two of said Act is amended so as to read as follows. Section 2. On the first Monday in December, eighteen hundred and sixty-three, and on the same day of each two years thereafter, the electors throughout the City of Sacramento shall elect a City Superintendent of Common Schools, and the person so elected shall qualify and take office on the first Monday in January succeeding his election, and shall hold office for two years, and until his successor is elected and qualified; he shall provide himself with a clerk, and he and his clerk shall perform the duties of Superintendent and Truant Officer, and he shall receive the salary now allowed by law to the Superintendent, and the amount heretofore allowed the Truant Officer by the Board of Education, out of which sum he shall pay the salary of his clerk. He shall also receive his office rent to the amount of twenty-five dollars per month, and necessary office furniture; his salary and office rent shall be paid monthly.

SEC. 2. All Acts and parts of Acts in conflict herewith are repealed. This Act shall take effect and be in force from and after its passage.

CHAP. XLV.—*An Act to amend an Act entitled "An Act regulating the sale of mineral lands belonging to the State," approved March twenty-eighth, eighteen hundred and seventy-four.*

[Approved February 3, 1876.]

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

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. Any person that shall be in

the actual possession of any of said lands, described in section one, at the time of the survey thereof by the United States, or at the time of the passage of this Act, shall be considered a preferred purchaser thereof to the extent of his or her mining claim, provided he or she make application for the purchase of the same on or before the first day of January, eighteen hundred and seventy-seven, if the plat of such survey be already filed in the United States Land Office; and if not so filed, then within six months after the filing of such plat, as aforesaid.

Actual possessors to be preferred purchasers

SEC. 2. Section seven of said Act is hereby amended so as to read as follows: Section 7. After the passage of this Act, no patent shall be issued for any of the lands described in this Act upon which, at the time of the application therefor, there was and still is any actual bona fide mining claim, except to the person who is the owner of such mining claim under local mining customs; and when an applicant for such lands, not owning such mining claim, shall have paid the purchase money therefor, in whole or in part, he may present his certificate of purchase and receive in exchange therefor, from the Register, a certificate showing the whole amount paid; and the Controller, upon the surrender of such certificate, must draw his warrant in favor of the person surrendering such certificate, for the amount therein specified, on the Treasurer of State, who must pay the sum out of the fund into which the purchase money was paid; *provided*, that the owner of such mining claim, under such mining customs, shall apply to purchase the same within six months after the plat of the township containing such land shall have been filed in the local United States Land Office, or on or before the first day of January, eighteen hundred and seventy-seven; *and provided further*, that any owner of a bona fide mining claim who shall have entered into an agreement with the applicant for any portion of sixteenth or thirty-sixth section upon which said mining claim is situated, for the procurement of a title for the same, shall not avail himself of the provisions of this section. The Governor of this State shall not sign any patent contrary to the provisions of this Act

Patents not to issue for lands on which actual mining claim exists

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

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

CHAP. XLVII.—*An Act supplementary to and amendatory of an Act entitled "An Act to incorporate the Town of Chaco," approved January eighth, eighteen hundred and seventy-two.*

[Approved February 3, 1876.]

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

Powers of
Trustees and
duties of city
officers

SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Section 8. There shall be elected, at the annual election held in said town for the election of Trustees, a Marshal. The Board of Trustees shall have the power and it shall be their duty so to do, to appoint a Treasurer, and the police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one month before the annual election, and at such other times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall receive as a compensation for his services an annual salary of such sum as the Board may award him, not to exceed one hundred dollars. The Marshal shall be ex officio Assessor and Collector, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commission (which shall be allowed by the Board), over to the Treasurer, taking his receipt for the same. He shall collect and pay over to the Treasurer all fines and costs levied and imposed by reason of a violation of an ordinance of the town, and for such purposes shall have the power conferred by law upon Constables. He shall arrest all persons against whom a warrant shall be directed and delivered to him from any Justice of the Peace of the town, and may arrest without a warrant any person actually engaged in his presence in the violation of an ordinance, and shall receive such fees as shall be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation, against the defendant; *provided*, that in no case shall he receive greater fees than Constables are allowed by law for similar services. He shall receive for his services such salary as the Board of Trustees may fix, not to exceed one hundred dollars a month. He shall receive no other compensation for his services than that provided for in this Act. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duties.

SEC. 2. Section seventeen of said Act is hereby amended so as to read as follows: Section 17. The Board of Trustees

may appoint an attorney and allow him for his services what they may reasonably be worth, and also such fees in cases of conviction for breaches of ordinances as the Board of Trustees may fix. It shall be his duty to attend all meetings of the Board of Trustees, when required by the Board, or any member thereof; to conduct, on behalf of the town, all prosecutions for breaches of ordinances of said town; to defend all suits brought against the town; to prosecute all actions brought for the recovery of debts, fines, forfeitures, and penalties accruing to the town, and give, when required by the Board, without fee, his opinion in writing on matters relating to the duties of the several officers of the town and the government and control thereof. Attorney.

SEC. 3. The Board of Trustees shall have power to contract for the printing required by said town, and it shall be their duty to give two weeks notice, to be published in some newspaper in said town, that they will, at their regular meeting, in March of each year, receive proposals to do the corporation printing for the period of one year from said date. At said meeting the bids shall be opened by the Board, and the contract to do said printing awarded to the lowest responsible bidder, upon his executing a bond in the sum of five hundred dollars for the faithful performance of his duties. Town printing

SEC. 4. The Board of Trustees shall have power by ordinance to impose and collect a road poll-tax, not exceeding two dollars per annum, on each male inhabitant of said town of the age of twenty-one years and upwards, and no other road poll-tax shall be collected within the limits of said town. Said town and its inhabitants shall be exempt from the provisions of, and the tax imposed by section four of an Act concerning roads in the County of Butte, approved March twentieth, eighteen hundred and seventy-four. Road poll-tax

SEC. 5. If at any time the owner of more than one-half in frontage of lots and lands fronting on any street between two given points on such street, or their duly authorized agents, shall petition the Board of Trustees to order such street to be sprinkled between such points, specifying in such petition the number of days, exclusive of Sundays, commencing at a given date, for which it is to be sprinkled, and the number of times it is to be so sprinkled each day, then it shall be the duty of the Board of Trustees to order such street between the points named to be sprinkled as prayed for, and may make an assessment of the cost thereof to each of the persons owning real estate fronting on such street between the points named, at such rate per front foot as may be necessary to furnish the cost of such work, and such assessment shall constitute a lien on such real estate until the same is paid. All work done under the provisions of this section to be let by contract to the lowest bidder. Street sprinkling

SEC. 6. When any work to be done, under the provisions of section five of this Act, shall have been ordered by the Board of Trustees, they shall direct the Assessor of the town to make a full and complete list of the property to be charged with the expense thereof, and when known, the names of the Assessment of taxes and manner of collection

Assessment
of taxes and
manner of
collection

owners of each lot, or part of a lot, set opposite the same, specifying the number of front feet in each lot so charged, and the rate per front foot that each lot has been assessed, and shall carry out the full amount to be charged against each separate lot or parcel of land into a separate column, and the total shall be added up at the foot thereof. Said list shall be completed and delivered to the Board within twenty days, unless the Board shall, by order, grant further time. When the said list shall have been approved by the Board they shall cause the same to be delivered to the Collector of the town. When the work so ordered shall have been completed and accepted by the Board of Trustees they shall direct the Collector to proceed and collect the several amounts so assessed. The Collector shall thereupon give notice to parties interested, by two weeks publication in some newspaper printed in said town, stating that the said assessment is due, and requiring the same to be paid within thirty days from the first publication of said notice. Upon the completion of the thirty days he shall declare the assessments unpaid to be delinquent. He shall then proceed, after having given notice as required by law in the collection of State and county taxes upon real property, to collect the various amounts so delinquent, including the percentage aforesaid, the costs of advertising, and such other costs as are allowed by law in the collection of State and county taxes from the sale of the property, or so much thereof as may be necessary, which sales he is hereby authorized to make. In all things concerning such sales, the execution of certificates and deeds, the said Collector shall be governed by, and as nearly as practicable conform to, the same rules and directions as are contained in the laws now in force, or which may be, from time to time, in the County of Butte, providing for the sale of real property for the collection of delinquent State and county taxes; the same powers being hereby conferred on said Collector as are or may be given to Tax Collectors of said county in cases of sales of real property for the collection of delinquent State and county taxes.

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

CHAP. XLVIII.—[See volume of *Amendments to the Codes*.]

CHAP. XLIX.—[See volume of *Amendments to the Codes*]

CHAP. L—*An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two; also, to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four.*

[Approved February 5, 1876.]

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

SECTION 1. Section forty-seven of an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, is hereby repealed.

SEC. 2. Section four of an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirteenth, eighteen hundred and seventy-four, is hereby amended to read as follows: Section 49. The City Marshal, in addition to the duties required by the Board of Trustees, must perform all the duties of Collector of city taxes, licenses, assessments, and road poll-taxes; for the purpose of collecting all taxes and assessments, the City Marshal is hereby invested with all the powers conferred by law on the Collectors of State and county taxes. He must arrest all persons guilty of violating any city ordinance, and take them before the proper magistrate for trial. The road poll-tax ordered to be collected within the limits of said city shall be collected by the City Marshal, and paid into the city treasury, to be expended within said limits for street purposes. For the purpose of collecting said road poll-tax, the City Marshal is hereby invested with all the powers now conferred by law upon County Assessors for the collection of poll-taxes. All remedies provided by law for the collection of State and county taxes, and State poll-taxes, shall apply to and be in force for the collection of said city taxes and road poll-taxes, except that all sales of property for delinquent city taxes shall be made in front of the City Hall, in the City of Vallejo.

Duties of
City
Marshal

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

CHAP. LI.—*An Act to provide for the building and furnishing a Court-house, offices, and jail in Tulare County, and for improving the Court-house grounds.*

[Approved February 7, 1876.]

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

Supervisors
to issue
bonds.

SECTION 1. The Board of Supervisors of Tulare County are hereby authorized and directed to issue the bonds of the county to an amount not exceeding seventy-five thousand dollars, all bonds to be payable twenty years from the date of their issuance, with interest at the rate of ten per cent. per annum, payable annually on the second Monday in January in each year, both principal and interest to be made payable in United States gold coin only. The bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors, and the County Clerk. Interest coupons shall be attached, signed in like manner. The Supervisors shall issue twenty thousand dollars of the bonds within sixty days after the passage of this Act, and shall issue the remaining amount of fifty-five thousand dollars of the bonds from time to time, at such times as shall be necessary to provide funds for the progress of the construction of the Court-house and jail provided for in this Act, and for the payment of claims to become due therefor. All bonds issued under the provisions of this Act may be paid and discharged by said county at any time after ten years from their respective dates, which right of payment and discharge shall be specified in each bond.

County
Treasurer to
pay bonds
and coupons.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer, and when any coupons are paid they shall be detached and canceled by the Treasurer in the same manner as county warrants are canceled by him, and they shall be deposited by him with the County Auditor, on making his monthly settlement with the County Auditor, which he is required hereby to make on the first Monday of every month, and the County Auditor shall give him a receipt therefor.

Dates of
coupons.

SEC. 3. The bonds shall bear the date of their issuance, and the first coupon shall be for interest from such date up to the second Monday of January next succeeding.

Interest
Fund.

SEC. 4. For the purpose of paying the interest on the bonds the Supervisors shall, at the time of levying the county taxes for each year, levy a special tax on all property in the county sufficient to pay the interest on all bonds then outstanding, as the same shall fall due. The special tax thus levied shall be assessed and collected as other county taxes are assessed and collected, and be set apart as a special fund, to be known as the "Court-house Bond Interest Fund," and out of this fund the coupons on the bonds shall be paid as they fall due.

Deficiency.

SEC. 5. If such special tax shall at any time be insufficient

to pay the coupons due, the County Treasurer shall make up the deficiency out of the Current Fund of the county. If the amount realized from the Special Fund exceeds the amount required to pay the coupons, the Board of Supervisors must transfer such surplus to the Current Fund.

SEC. 6. In and for the year eighteen hundred eighty-six, and each year thereafter, until the whole of the bonds are paid, the Board of Supervisors shall levy and cause to be collected a tax sufficient to pay ten per cent. of the whole issue of the bonds, and the tax thus levied and collected shall be set apart as a special fund, to be known as the Court-house Bond Redemption Fund. Redemption Fund.

SEC. 7. Whenever there shall be one thousand dollars or more in such Redemption Fund, the Treasurer shall cause a notice to be published once a week for four successive weeks in some newspaper printed in the county, or in the City and County of San Francisco, which notice shall state he is prepared to redeem, on a day to be stated therein, bonds to the amount of the moneys in the Redemption Fund, and that until such day at twelve o'clock M., he will at his office receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall, in the presence of the County Clerk, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; but no bid above par shall be accepted. If no bid be put in at par or less, or if a sufficient amount of bonds be not offered to absorb all the moneys in the Redemption Fund, then bonds to the amount of the moneys in such fund shall become due and payable in the order in which they were numbered, and the Treasurer shall give notice in like manner as above provided for, which notice shall state that such bonds have become due, and all interest thereon shall cease from and after thirty days from the first publication of such notice, and from and after the expiration of thirty days from the first publication of said notice said bonds shall cease to bear interest. Notice of redemption of bonds.

SEC. 8. Within forty days after the issuance of any bonds the Board of Supervisors shall sell the bonds so issued to the highest bidder or bidders therefor, in accordance with the provisions of this Act; *provided*, that no bid of less than eighty per cent. of the par value of the bonds shall be accepted. Sale of bonds

SEC. 9. At least forty days notice shall be given of the time and place of such sale, by publication in two newspapers printed and published in the City and County of San Francisco, and one newspaper printed and published in Tulare County. Said bonds shall be sold for United States gold coin, and for not less than eighty per cent. of their par value, which shall be specified in the notice above provided for. Notice of sale.

SEC. 10. Bids for the purchase of the bonds shall be made in writing and inclosed in a sealed envelope, and shall be received until twelve o'clock M., on the day of sale. After that hour, but on the same day, the Board of Supervisors shall meet and open such bids, and shall award the bonds to the person bidding the highest price therefor, but no bid Proposals for purchase of bonds.

shall be considered unless the bidder shall have, before it is opened, deposited with the County Treasurer of said county ten per centum of the amount of his bid as security for the payment of the amount bid by him, should his bid be accepted. Within ten days after the acceptance of such bids the Board shall receive from the bidder the amount bid, and shall deliver to him the bonds purchased. If no bidder attend on the day fixed for the sale of the bonds, or if from any cause the sale of such bonds shall not be made on said day, then the Board of Supervisors may again advertise for bids in the same manner and for the time above provided, and shall award the bonds in all respects as hereinbefore provided; but in all cases, the Board of Supervisors shall have power to reject any and all bids.

Proceeds of sales of bonds.

SEC. 11. All moneys derived from the sale of the bonds shall be immediately paid in to the County Treasurer of Tulare County, and the County Treasurer shall give duplicate receipts therefor, one of which receipts he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge the Treasurer with the amount thereof.

Auditor's and Treasurer's accounts.

SEC. 12. The County Auditor and Treasurer shall each keep an account of the bonds issued, and the moneys received and disbursed under this Act.

Court-house Building Fund.

SEC. 13. All moneys derived from the sale of the bonds shall be set apart as a "Court-house Building Fund," and shall be applied, laid out, and expended in the building and constructing a Court-house with jail, in the City of Visalia, in Tulare County, said building to be erected in the present Court-house Square, and the necessary county offices in and for said county, and furnishing the same, and improving the Court-house grounds.

Plans and specifications.

SEC. 14. The Board of Supervisors shall, fifteen days after receiving notification of the passage of this Act, at a special or regular meeting, cause to be published in a weekly newspaper in said county, for at least thirty days, a notice to receive plans and specifications for the construction of a Court-house with jail at Visalia, the present county seat of said county, the Board of Supervisors reserving to themselves the right to reject any and all plans and specifications presented for the construction and erection of said building. If any plan and specification presented to the Board of Supervisors by any skillful architect shall be accepted, said Board of Supervisors shall allow such architect the sum of three hundred dollars as compensation therefor, payable out of the General Fund of the county.

Supervisors to advertise for proposals for building.

SEC. 15. The Board of Supervisors shall, as soon as practicable after the first sale of bonds, proceed with the erection and construction of the building contemplated by this Act; and for that purpose shall have full power and authority to do and perform all acts and things which may be requisite or necessary to carry out the provisions of this Act; but the contracts for the erection of the building shall be let to the lowest bidder, after public notice of such letting given by publication in at least three newspapers printed and pub-

lished in this State, for at least thirty days; the security for the faithful performance of such contracts to be approved by the Chairman of the Board of Supervisors. The building shall be completed within twelve months from the date of the issuance of the first bonds, and shall be constructed in conformity with the plans furnished by the architect.

SEC. 16. All payments for costs and expenses of carrying this Act into effect, including the costs of plans and specifications, architect's fees, and for construction and furnishing the Court-house, offices, and jail, and improving the Court-house grounds, shall be paid by warrants drawn on the Court-house Building Fund of the county; and until the Court-house, offices, and jail are completed and furnished, and grounds improved, none of the last-named fund shall be applied to any other purpose. Defraying expenses.

SEC. 17. Any surplus on hand in the Court-house Building Fund after the Court-house, offices, and jail is constructed, furnished, and paid for, and Court-house grounds improved, shall be transferred to the Current Fund of the county. Surplus moneys.

SEC. 18. The building constructed under the provisions of this Act shall not be subject to the lien of any contractor, sub-contractor, mechanic, lumberman, laborer, or other person whatsoever, for any labor, materials, or other things furnished in the erection or construction of the building. Liens.

SEC. 19. The District Attorney of said county shall, immediately after awarding the contract to any person or persons to build said Court-house, offices, and jail, as provided in this Act, draw up the contract in writing, made and entered into for the construction of said public building aforesaid, who shall be paid a reasonable compensation for his services, not to exceed twenty dollars. District Attorney's duty.

SEC. 20. Each and every officer named in this Act who shall neglect or refuse to perform any and all duties required of him by this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than two hundred dollars, and not more than one thousand dollars, and removed from office. Penalties for neglect.

SEC. 21. The Board of Supervisors shall, within ninety days after the passage of this Act, after due notice by public advertisement, sell to the highest bidder, for the benefit of said Court-house Building Fund, the old Court-house and jail of said county; and after such sale, and during the construction of the new Court-house, with jail, the said Board shall provide suitable offices for the several county officers, as near as practicable to the said Court-house Square. Sale of old Court-house.

SEC. 22. The old Court-house shall be immediately removed by the purchaser thereof. The old jail shall not be delivered to the purchaser until after the completion of the new building, but shall be moved at such a distance as not to impede the construction of the new building, and shall be used as a jail during such construction, but shall immediately thereafter be removed by the purchaser. Removal of same.

SEC. 23. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 24. This Act shall take effect from and after its passage.

CHAP. LII.—*An Act relative to highways in Los Angeles County.*

[Approved February 8, 1876.]

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

- Supervisors ex officio Commissioners of Highways.** SECTION 1. Each Supervisor of Los Angeles County shall be ex officio Commissioner of Highways for his own district, and shall have the same power and perform the same duties as heretofore pertained to the office of County Commissioner of Highways for said county.
- Compensation.** SEC. 2. Each of said Supervisors shall receive the same compensation for services rendered under this Act as is now paid him for the performance of the other duties of his office.
- Road poll-taxes.** SEC. 3. Every male inhabitant of said county, except inhabitants of cities and incorporated towns, between the ages of twenty-one and fifty years, shall pay annually a road poll-tax of two dollars in coin for highway purposes; *provided*, the same is paid before the first of January each year, but if not paid before said day it shall be three dollars.
- Bridges and ditches** SEC. 4. All persons excavating irrigating ditches across public highways in said county, are required to bridge said ditches at such crossings, and upon neglect to do so the Overseer of Highways for that road district shall construct the same, and recover the cost of constructing of such persons by action at law in his official name, before any Court of competent jurisdiction.
- Waste water** SEC. 5. All persons who shall be irrigating land, and shall permit the waste water to overflow the highways, shall, on notification by the Overseer of Highways, repair the damages occasioned by such overflow, and upon his neglect to do so forthwith, the Overseer of the district shall make such repairs and recover the expense thereof against such person by action, as provided in the previous section.
- Liabilities of employers.** SEC. 6. Every person or corporation indebted to one in his employ subject to road poll-tax shall, upon demand, pay said poll-tax to the Overseer of Highways, and shall become liable therefore after service upon him, in writing, of a notice by the Road Overseer, stating the name of such person, and a receipt of such road poll-tax from the Overseer shall be conclusive evidence of credit to the employer as against the employé.
- Collection of road poll-taxes.** SEC. 7. The Road Overseer shall collect all road poll-tax in the manner provided for the collection of other poll-taxes, and pay the same over to the County Treasurer in the same manner as other taxes are paid over, and for the services rendered in the collection of said road poll-taxes shall receive the sum of fifteen (15) per cent.

SEC. 8. All Acts or parts of Acts in conflict with, or contravening the provisions of this Act, are hereby repealed.

SEC. 9. This Act shall take effect immediately.

CHAP. LIII.—*An Act to regulate the distribution and use of the road-tax in and for the County of Stanislaus.*

[Approved February 9, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Stanislaus, State of California, must, at the regular February term of said Board, in each year, distribute the moneys in the County Road Fund of said county to the different Road District Funds, pro rata, in proportion to the indebtedness of each road district, until such indebtedness is fully paid, after which no further distribution shall take place.

Apportion-
ment of
Road Fund.

SEC. 2. The County Treasurer of the County of Stanislaus shall place the funds collected from all sources for road purposes in said county in the General Road Fund, to be used for road purposes and to be paid out by him upon warrants drawn upon said fund by the County Auditor, upon the order of the Board of Supervisors.

Treasurer's
duties.

SEC. 3. On and after the first day of February, A. D. eighteen hundred and seventy six, all warrants for road purposes, in the several road districts in said county, shall be drawn upon and paid out of the General Road Fund of said county.

Warrants.

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

SEC. 5. This Act shall take effect immediately.

CHAP. LIV.—*An Act to fix the compensation of Road Overseer in San Mateo County, and in relation to the road poll-tax thereof.*

[Approved February 9, 1876.]

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

SECTION 1. Each Road Overseer of the County of San Mateo shall receive, from money coming into his hands, belonging to his road district, the sum of three (\$3) dollars for each day's service performed by him, to be credited and ordered paid by the Board of Supervisors.

Compensa-
tion of Road
Overseers.

SEC. 2. Every male inhabitant of a road district in said county, over twenty-one and under fifty years of age, must

Labor on
roads.

perform two days' labor annually upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of two (\$2) dollars.

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

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

CHAP. LV.—*An Act to annex Woods' Island, in Brannan School District, Sacramento County, to Rio Vista School District, Solano County.*

[Approved February 9, 1876.]

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

Annexation. SECTION 1. Woods' Island, in Brannan School District, Sacramento County, is hereby annexed to and shall be a part of Rio Vista School District, Solano County, for school purposes only.

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

CHAP. LVI.—[See volume of *Amendments to the Codes.*]

CHAP. LVII.—[See volume of *Amendments to the Codes.*]

CHAP. LVIII.—*An Act to protect lumber manufacturers.*

[Approved February 9, 1876.]

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

Penalty. SECTION 1. Every person who maliciously drives into, or places within any saw-log, shingle-bolt, or other wood, any iron, steel, or other substance sufficiently hard to injure saws, knowing that the said saw-log, shingle-bolt, or other wood, is intended by the owner thereof to be manufactured into any kind of lumber, is guilty of a felony, and shall be punished by imprisonment in the State Prison not less than one nor more than five years.

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

CHAP. LIX.—*An Act to amend an Act entitled an Act prescribing the manner of apportioning school moneys in Siskiyou, Modoc, and Sonoma Counties, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved February 9, 1876.]

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

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. The School Superintendents of said counties must apportion the State and county school moneys belonging to the counties, respectively, in the manner following, to wit:

First—To each school census child in maximum districts, there must be apportioned an equal amount. County Superintendents. Apportionment.

Second—To each school census child in districts having ninety such children and less than one hundred, there must be apportioned once and one-tenth times the amount apportioned to each such child in maximum districts. Same.

Third—To each school census child in districts having eighty and less than ninety such children there must be apportioned once and two-tenths times the amount apportioned to each child in maximum districts. Same.

Fourth—To each school census child in districts having seventy such children and less than eighty, there must be apportioned once and three-tenths times the amount apportioned to each such child in maximum districts. Same.

Fifth—To each school census child in districts having sixty such children and less than seventy, there must be apportioned once and four-tenths times the amount apportioned to each such child in maximum districts. Same.

Sixth—To each school census child in districts having fifty such children and less than sixty, there must be apportioned once and five-tenths times the amount apportioned to each such child in maximum districts. Same.

Seventh—To each school census child in districts having forty such children and less than fifty, there must be apportioned once and six-tenths times the amount apportioned to each such child in maximum districts. Same.

Eighth—To each school census child in districts having thirty and less than forty such children, there must be apportioned once and seven-tenths times the amount apportioned to each such child in maximum districts. Same.

Ninth—To each school census child in districts having twenty and less than thirty such children, there must be apportioned once and eight-tenths times the amount apportioned to each such child in maximum districts. Same.

Tenth—To each school census child in districts having less than twenty such children, there must be apportioned double the amount apportioned to each such child in maximum districts; *provided*, that no district of any number of census children shall receive a greater amount of school money Same.

than a district of a greater number of census children; *and provided*, that no district shall receive, exclusive of the library fund, a sum less than three hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. LX.—*An Act concerning the office of County Surveyor of the County of Santa Cruz.*

[Approved February 9, 1876.]

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

Compensa-
tion

SECTION 1. The County Surveyor of Santa Cruz County shall receive for his services the same fees and compensation as are allowed the County Surveyors in the several counties of Santa Clara, San Joaquin, Alameda, Tulare, and Kern, as provided for in section twenty-five (25) of an Act entitled an Act to regulate fees of office and salaries of certain officers and to repeal certain other Acts in relation thereto, approved March fifth (5th), eighteen hundred and seventy (1870).

SEC. 2. So much of said Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy (1870), as may be in conflict with the provisions of this Act, is hereby repealed.

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

CHAP. LXI.—*An Act fixing the salary of District Attorney of Humboldt County.*

[Approved February 9, 1876.]

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

Salary.

SECTION 1. From and after the first Monday in March, one thousand eight hundred and seventy-six, the District Attorney of Humboldt County shall receive a salary of twelve hundred dollars per annum, payable monthly, out of the Salary Fund of Humboldt County.

CHAP. LXII.—*An Act to amend an Act entitled an Act to fix the terms of the County Court of the County of Monterey, approved March thirtieth, eighteen hundred and seventy-two.*

[Approved February 9, 1876.]

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

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. The terms of the County Court of Monterey County shall be held on [the] third Monday of February, April, June, September, and the first Monday of December of each year. Terms.

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

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

CHAP. LXIII.—*An Act in relation to the county officers of Santa Clara County, their fees and salaries.*

[Approved February 10, 1876.]

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

SECTION 1. The County Treasurer of the County of Santa Clara shall be ex officio County Tax Collector for said county, and shall perform the duties required by law of County Tax Collectors. The County Recorder of said county shall be ex officio County Auditor, and shall perform the duties required by law of County Auditors; and the Coroner of Santa Clara County shall be ex officio Public Administrator of said county, and shall perform the duties required by law of Public Administrators. Duties of officers.

SEC. 2. The county officers of the County of Santa Clara, in this section named, shall severally receive, as compensation for their services, the respective salaries by this section provided, to wit: The County Judge, an annual salary of three thousand dollars; the County Clerk, an annual salary of two thousand dollars; the County Recorder, as County Recorder and ex officio County Auditor, an annual salary of two thousand dollars; the Sheriff, an annual salary of four thousand dollars; the County Treasurer, as County Treasurer and ex officio County Tax Collector, an annual salary of two thousand five hundred dollars; the District Attorney, an annual salary of five hundred dollars; the Superintendent of Schools, an annual salary of twelve hundred dollars; each member of the Board of Supervisors, as member of the Board, and ex officio Roadmaster of his respective supervisor district, an annual salary of eight hundred dollars. Salaries of Judge, Clerk, Recorder, Auditor, Sheriff, Treasurer, Tax Collector, District Attorney, and Supervisors.

Fees of Surveyor.

SEC. 3. The County Surveyor of said county shall receive, as compensation for the performance of his duties, the fees now provided by law.

Of Public Administrator.

SEC. 4. The Coroner and ex officio Public Administrator of said county shall receive, as compensation for his services, the fees as in this section provided. His fees as Coroner shall be: For summoning a jury of inquest, two dollars; for swearing a jury, forty cents; for issuing a subpoena for one or more witnesses, twenty-five cents; for issuing a warrant of arrest, forty cents; for each mile necessarily traveled in going to the place of the dead body, fifteen cents; which fees in all inquests shall be paid out of the effects of the deceased, if any; if not, from the county treasury; for swearing each witness, fifteen cents; for taking down testimony, per folio, fifteen cents. When acting as Sheriff he shall receive the same fees as by that officer collected for like services. His fees as Public Administrator shall be four per cent. upon the amount of the estate administered upon by him, which percentage shall be the only compensation allowed for his services.

Of Assessor

SEC. 5. The County Assessor of said county shall receive, as compensation for his services, an annual salary of one thousand five hundred dollars. He shall also receive for his services in collecting the taxes on personal property five per cent. on the amount of all such tax belonging to the county and collected by him, and such percentage on the amount of said tax belonging to the State and collected by him as is now provided by law. He shall also receive for his services in collecting road and other poll-taxes belonging to the county ten per cent. on the amount of all such taxes collected by him, and such percentage on the amount of said taxes belonging to the State and collected by him as is now provided by law. Such percentages shall belong, and be paid, to the Assessor, or to the several Deputy Assessors actually collecting the same, in proportion to the amount by each collected, and if collected by Deputy Assessors, shall be in addition to the compensation provided for Deputy Assessors by section thirteen of this Act; and in such case the County Assessor shall receive no portion thereof.

Of Sheriff.

SEC. 6. The Sheriff of the County of Santa Clara shall, in addition to the salary provided by section two of this Act, receive, for his own use, the mileage paid by the State for the transportation of convicts and insane persons, and all rewards paid to him for the apprehension, arrest, or conviction of criminals; and in case he renders other services outside of the county, the Board of Supervisors may, in their discretion, allow him the amount of his actual expenses, and the same shall be paid from the Salary Fund of said county, and be in addition to the salary provided by section two of this Act.

Treasurer's mileage

SEC. 7. The County Treasurer of said county shall receive, in addition to the salary prescribed by section two of this Act, the mileage paid by the State to County Treasurers in making settlements with the State Treasurer.

SEC. 8. The District Attorney of said county shall receive,

in addition to the salary provided by section two of this Act, the following fees, to wit: In criminal cases, for each conviction of felony, where the punishment is death, twenty-five dollars; for each conviction of felony, where the punishment is imprisonment, twelve dollars—the foregoing fees, in this section mentioned, shall be paid out of the county treasury; for each conviction of a misdemeanor, eight dollars, which shall be payable out of the fines collected; and if no fine is collected it shall become a county charge, and paid out of the county treasury. All fees allowed by law by the Acts prohibiting gambling, lotteries, and like schemes, shall be payable out of the fines imposed, which fees shall, in no event, be paid by the county, nor become a charge against the county. In civil cases, for all collections on bonds, undertakings, or recognizances, and for all collections by action for the county, or for the State and county, other than taxes, eight per cent. of the amount actually collected and actually paid to the custodian of the fund collected; said per cent. shall not exceed the sum of five hundred dollars in any one case. For the collection of delinquent taxes, ten per cent. upon the amount due for taxes, if paid before judgment, and fifteen per cent. if paid after judgment, which amount shall be added to the taxes and be paid by the party charged; in no event shall said percentage for the collection of taxes be paid by the county, nor become a county charge. In civil actions, to which the county is a party, other than for the collection of money, such reasonable compensation as the Board of Supervisors may prescribe, not exceeding five hundred dollars in any one case. The fees and compensation provided by this section, added to the salary provided by section two of this Act, shall not exceed the sum of three thousand dollars for any one year. All excess over that amount shall be paid by said District Attorney into the Salary Fund of said county, or such excess may be withheld by the Board of Supervisors, either from his salary or from fees chargeable against the county.

District
Attorney's
fees.

SEC. 9. The salaries provided by section two of this Act shall be paid monthly, and the County Auditor shall, at the end of each month, draw his warrant on the County Treasurer for one-twelfth of the respective salaries named, in favor of the respective officers named in said section, and the County Treasurer shall pay the same out of the fund hereinafter named.

Salaries to
be paid
monthly.

SEC. 10. The fees, percentage and charges now established by law for the performance of any act or duty by any of the following-named officers of said county, to wit: the County Clerk, the County Recorder, the County Recorder as ex officio County Auditor, the Sheriff in civil actions, the County Assessor, except as otherwise in this Act provided, the County Treasurer, the County Treasurer as ex officio County Tax Collector, for all services rendered except services rendered for or now payable by said county, shall continue and remain the established fees, percentages and charges for such act or duty; and the laws now in force, so far as the same now fix and establish such percentage, fees, and charges as in this sec-

Collection of
fees

tion limited, are hereby continued in force, and the respective officers in this section named are hereby required to severally collect from the persons charged with the payment thereof, said fees, percentage, and charges, for such act or duty performed or to be performed; and they shall severally pay the same, excepting the fees named in sections five, six, and seven of this Act, into the county treasury of said county, and the same shall thereafter constitute the Salary Fund of said county.

Official statements.

SEC. 11. All fees to be collected by the officers as provided by section ten of this Act, except those chargeable against the county, shall be payable and collected in advance, in gold or silver coin, by said officers; and each of the officers named in section ten of this Act shall, on the first Monday of each month, pay into the county treasury the said fees collected in accordance with section ten of this Act. Each of said officers, except the County Recorder and ex officio County Auditor, shall at the same time make an itemized and verified statement in duplicate, showing the amount of services performed by such officer for which fees are chargeable, and the amount of money collected, and file one of said duplicate statements with the County Auditor, and the other with the Board of Supervisors of said county; a like statement shall be made in duplicate by the County Recorder as County Recorder and ex officio County Auditor, and one of said duplicates filed with the County Treasurer and one with the Board of Supervisors of said county.

Salary Fund.

SEC. 12. The receipts and incomes of the following officers, to wit: the Sheriff, the County Assessor, except as in this Act otherwise provided, the County Treasurer, the County Treasurer as ex officio County Tax Collector, the County Clerk, the County Recorder, and the County Recorder as ex officio County Auditor, and the other moneys required by this Act to be paid into the county treasury, shall constitute the fund out of which the salaries and compensation of the officers named in this Act, and their deputies, shall be paid; and if said fund is insufficient for that purpose, the deficiency shall be paid out of the Current Expense Fund of said county. If any balance shall remain in said Salary Fund on the first Monday of March of each year, such balance shall be transferred by the County Treasurer to the Current Expense Fund of said county.

Deputies' salaries.

SEC. 13. The Board of Supervisors of said county shall prescribe the number of deputies or employés that each principal officer, in this Act named, shall employ, which number may be changed from time to time. The salaries of such deputies shall be paid as provided by section twelve of this Act, and shall not exceed the following amounts, to wit: The principal Deputy Clerk, Deputy Recorder, and Deputy Treasurer, each the sum of one hundred and twenty-five dollars per month, and each additional deputy, except Deputy Sheriffs, as hereinafter provided, one hundred dollars per month. Under Sheriff and principal Deputy Sheriff, each one hundred and fifty dollars per month. All other Deputy Sheriffs, not to exceed the sum of seventy-five dollars

per month, each; such compensation to be determined by the Board of Supervisors of said county; Bailiffs of Courts, not exceeding three dollars per day, for each day's actual attendance on Court; Deputy Assessors, not exceeding four dollars per day for the time actually employed in the discharge of the duties of the office, and in addition the percentage as provided in section five of this Act.

SEC. 14. The salaries and compensation in this Act prescribed shall be in full for all services required by law of any officer in this Act named, both ex officio and otherwise.

SEC. 15. No fees or compensation shall be paid to the Assessor, Deputy Assessors, District Attorney (excepting his salary), Surveyor, Coroner, or Bailiff of Court, unless said officers and said deputies shall severally file with the Board of Supervisors an itemized and verified statement of services rendered for which the compensation is claimed. Claims of officers.

SEC. 16. The Board of Supervisors of said county shall furnish all county officers in this Act named with an office in the Court-house building of said county; and no county officer shall be furnished or provided with an office elsewhere at the expense of said county. The Board of Supervisors shall also furnish to the various officers in this Act named the necessary stationery, fuel, and light, for their respective offices, and shall, from time to time, examine the books, incomes, and business of said officers. County offices

SEC. 17. The Board of Supervisors of said county are hereby authorized to adjust and increase the amount of penalty of the official bonds of any of the officers in this Act named, so as to secure the faithful discharge of the duties to be performed by said several officers, and also by said several officers ex officio, as provided by section one of this Act. Official bonds.

SEC. 18. The Board of Supervisors of said county shall have the full financial management of the County Jail of said county, and shall prescribe the number and compensation of the employes therein. Such management shall not prevent the control of the prisoners confined therein, now exercised by the Sheriff of said county, and shall not take from said Sheriff the appointment of said employes. County Jail.

SEC. 19. If any principal officer named in this Act shall demand or receive, by gift or donation, from any deputy in his employ, any portion of the salary of such deputy, such principal shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months, or by both fine and imprisonment. Misdemeanor.

SEC. 20. If any officer in this Act named shall retain or convert to his own use any of the moneys required by this Act to be paid into the county treasury of said county, such officer shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding six months; and upon such conviction the office of the officer convicted shall be vacant, and the Board of Supervisors of said county shall fill such vacancy as in cases of other vacancies. Such Penalty for appropriating county funds

conviction shall not prevent recoveries against such officer in civil action.

Supervisors'
terms.

SEC. 21. The Board of Supervisors of the county shall consist of seven members. Each member shall be a resident and elector of the supervisor district which he represents, and shall hold his office for the term of four years. A special election shall be called by the Board of Supervisors, first having given public notice thereof in two newspapers printed in said county, for at least fifteen days before said election, to be conducted under the general election laws of the State, to be held on Monday the twenty-eighth day of February next, at which said election there shall be elected in their respective districts, three Supervisors to fill the vacancies occasioned by the expiration of the terms of those Supervisors whose terms of office expire on the first Monday in March, eighteen hundred and seventy-six. The Supervisors so elected shall hold office from the first Monday in March, eighteen hundred and seventy-six, until the first Monday in March, eighteen hundred and eighty; the remaining members of the Board shall hold their office until the first Monday in March, eighteen hundred and seventy-eight. All elections for Supervisors after the special election herein provided for, shall be at such general election as shall last precede the expiration of an official term. The official term of a Supervisor shall commence on the first Monday of March next succeeding his election.

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

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

CHAP. LXIV.—*An Act to repeal an Act entitled an Act to incorporate the Town of Sutter Creek, in Amador County, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved February 10, 1876.]

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

Repeal.

SECTION 1. An Act entitled an Act to incorporate the Town of Sutter Creek, in Amador County, approved March thirtieth, eighteen hundred and seventy-four, is hereby repealed.

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

CHAP. LXV.—*An Act to grant to C. F. Leavenworth, and his assigns, the right to supply the inhabitants of the Town of Modesto with fresh water.*

[Approved February 10, 1876.]

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

SECTION 1. The right is hereby granted to C. F. Leavenworth, and his assigns, to lay down suitable water-pipes in the Town of Modesto, in the County of Stanislaus, State of California, for the purpose of supplying the inhabitants of said town with pure and wholesome water, and for that purpose to make all such excavations on and through all such highways and streets as may be necessary therefor; and whenever such excavations shall have been made, and the pipes laid in the places so excavated, the said grantee, or his assigns, shall forthwith fill up the same, so as to restore such streets, highways, or passages, to as good condition as they were in when said excavations were commenced.

Granting right to lay down pipes.

SEC. 2. The right to lay down and maintain such water-pipes in said streets, highways, and passages, shall continue in said grantee and his assigns, for the term of twenty-five years; *provided*, the said C. F. Leavenworth, or his assigns, shall, within two years after the passage of this Act, have laid three thousand feet of such water-pipes. This Act shall not be so construed as to give any exclusive right or privilege to said C. F. Leavenworth.

Term of privilege.

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

CHAP. LXVI.—*An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County.*

[Approved February 10, 1876.]

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

SECTION 1. The Board of Supervisors of Humboldt County are hereby authorized and empowered to establish and maintain an almshouse and hospital upon the land now owned by the said county, and occupied for hospital purposes.

Almshouse and Hospital.

SEC. 2. The Board of Supervisors of Humboldt County shall annually levy a tax, not exceeding fifteen cents upon each one hundred dollars of all taxable property in said county, the money arising from such taxation to be paid into a fund to be designated as the "Almshouse and Hospital Fund," and applied for the purpose of securing the care, maintenance and medical treatment for the dependent poor and indigent sick persons in said county.

How maintained.

Issuance of
warrants

SEC. 3. The County Treasurer of said county shall report to the Board of Supervisors, on the first day of each regular meeting of said Board, the amount of money remaining in the Almshouse and Hospital Fund at the date of such report, and subject to the order of said Board; and in no case shall the Board of Supervisors, at any such meeting, allow or direct the issuance of warrants or orders, which will, singly or in the aggregate, exceed the sum reported by the Treasurer to be subject to the order of the said Board, at said meeting, except as provided in this Act; and in no case shall any warrant or order be issued, payable out of any other than the "Almshouse, and Hospital Fund," for any services rendered for or in behalf of the dependent poor and indigent sick of said county.

County
Physician

SEC. 4. The Board of Supervisors shall, prior to the first day of June of each year, appoint a physician, who shall be styled and known as the County Physician of said county, and who shall hold his position for the term of one year from the first day of June first following the time of his appointment. The said physician shall receive, for all services rendered in pursuance of this Act, a salary not to exceed eight hundred dollars per annum, payable out of the "Almshouse and Hospital Fund."

Qualifica-
tions of phy-
sician.

SEC. 5. Every physician so employed by the Board of Supervisors shall be a graduate from some legally incorporated college of medicine, and he shall not be entitled to receive any portion of his salary until the said Board are satisfied that the said physician is possessed of the qualifications prescribed by this section, which shall in every case be established by competent testimony.

Rules.

SEC. 6. Said Board of Supervisors may, by ordinance, make such rules and regulations, not inconsistent with the provisions of this Act, for the government and management of said almshouse and hospital, and the premises to which they appertain, as also for the admission, discharge, and employment of the inmates thereof, as to them shall seem proper.

Duty of
County Phy-
sician

SEC. 7. It shall be the duty of the County Physician to render all the medical aid and treatment that the dependent poor and indigent sick in the county may require, and to compound and dispense the necessary medical supplies furnished by the Board of Supervisors without any extra compensation above his salary, and no money shall be drawn from the "Almshouse and Hospital Fund" for the purpose of rendering any aid to any person not an inmate of said hospital or almshouse, in any case whatever, unless it shall satisfactorily appear, upon notice to the County Physician, or to the Board of Supervisors, if in session, that such person is destitute or actually in need of medical aid and assistance, and that he or she cannot be safely removed to the almshouse or hospital, in which case such person shall receive such aid and assistance as may be necessary, until such person may be removed, and no longer; *provided, however,* that the amount to be paid for the aid, relief, and support of any such person shall in no case exceed the sum of ten dollars

per week; and further provided, that no charge having accrued prior to notice as aforesaid to the County Physician, or the Board of Supervisors, for or on account of any dependent poor or indigent sick person, shall be allowed or paid out of any county fund whatever.

SEC. 8. It shall be the duty of the County Physician to Same. keep a book, which shall be furnished to him by the Board of Supervisors, to be at all times subject to their inspection, and to the inspection of the Grand Jury, and to be by him handed over to his successor, wherein he shall enter the names of all persons applying for admittance to the County Almshouse or Hospital, for temporary assistance outside, their names, ages, place of nativity, and disease, with the dates of such application, and the dates of all certificates of admission, with the names of all persons discharged, with the date of such discharge, together with a full report of all deaths occurring in the institution, and shall report to the Board of Supervisors at each regular meeting a full and detailed account of all matters required of him in the discharge of his duties as County Physician, by this Act or any ordinance of said Board of Supervisors.

SEC. 9. It shall be the duty of the County Physician, from Same. time to time, as may be necessary, to make a requisition on the Board of Supervisors for medicine, medical or other supplies, necessary and proper in the care and treatment of the indigent sick under his charge.

SEC. 10. The County Physician shall not be directly or Contracts. indirectly interested in any contract for the care or maintenance of the dependent poor and indigent sick of the county, or otherwise connected with any matter whatever, pertaining to the charge, care, and treatment of the almshouse or hospital, and their inmates, except as such physician. All contracts made in violation of this section are hereby declared void.

SEC. 11. The Board of Supervisors shall, from time to Keeper's time, enter into written contract for the care and maintenance of the dependent poor and indigent sick of said county, and in said contract shall specify the sum to be paid per week for each person, which said sum shall in no case exceed the sum of eight dollars per week for each person. The person with whom said contract shall be made, shall be known as the Keeper of Humboldt County Almshouse and Hospital, who shall be bound to take the care and maintenance of all dependent poor and indigent sick persons who may be admitted into said almshouse or hospital, by a good and sufficient undertaking, in the sum of three thousand dollars, for the faithful discharge of his duties as such keeper; also, for the safe keeping of all property belonging to the county which may come under his charge; which undertaking shall be approved by and filed with the said Board of Supervisors. bound.

SEC. 12. It shall also be the duty of the Keeper of the Duty of Almshouse and Hospital, on the admission of any person as Keeper. an inmate therein, to take an inventory of all personal effects and property in the possession of such person, which shall

be entered and kept in a book to be provided by the Board of Supervisors for that purpose, and at all times to be subject to their inspection, or either of them.

Notice of
discharge

SEC. 13. Whenever any inmate of the County Hospital shall be discharged from treatment by the County Physician, he shall forthwith give written notice to the Keeper of the Almshouse and Hospital of such discharge, and thenceforward the person thus discharged, if from any cause he remain under the charge of said keeper, shall be subject to the regulations of the almshouse department.

Labor of pa-
tients.

SEC. 14. It shall be the duty of the Keeper of the Almshouse and Hospital to allot such service and labor to the dependent poor under his charge as, with the concurring opinion of the County Physician, may be deemed proper, age, sex, and health being considered, subject to such rules as the Board of Supervisors shall establish by ordinance, and not inconsistent with the provisions of this Act.

Disposition
of proceeds

SEC. 15. Under direction of the Board of Supervisors, the keeper aforesaid shall dispose of the proceeds of the labor rendered in accordance with the preceding section, and at the last regular meeting of said Board in each year, report to it a full amount of such proceeds, stating quantity, kind, the amount sold, price paid therefor; and the amount thus realized shall be paid by the Keeper of the Almshouse and Hospital into the county treasury, to the credit of the Almshouse and Hospital Fund.

Inventory of
property.

SEC. 16. At the same time as required in the preceding section, the Keeper of the Almshouse and Hospital shall make out and file with the said Board of Supervisors, a full and complete inventory of the effects, chattels, and personal property belonging to the county and appertaining to the said almshouse and hospital, and the premises under his charge, as well as all effects whatsoever that may have come into his possession as keeper, and belonging to persons who may have been inmates thereof.

Transfer of
funds.

SEC. 17. The Board of Supervisors are hereby authorized when, from any cause, there shall not during any one year come into the treasury a sum sufficient to defray the necessary and proper expenses in the care, keeping, and medical treatment of the dependent poor and indigent sick for one year, to transfer from the General County Fund to the Almshouse and Hospital Fund any sum not exceeding one thousand dollars in any one year.

SEC. 18. An Act entitled "An Act in relation to the indigent sick in the County of Humboldt," approved February twenty-first (21st), eighteen hundred and seventy (1870), is hereby repealed.

SEC. 19. This Act shall take effect immediately from and after the date of its passage.

CHAP. LXVII.—*An Act to amend an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.*

[Approved February 10, 1876.]

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

SECTION 1. In the County of Kern the Sheriff shall receive for traveling the fees hereinafter specified: For traveling, to be computed in all cases from the Court-house, to serve any summons or complaint, or any other process by which an action or proceeding is commenced, motion, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, thirty cents, *provided*, that if any two or more papers require to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service. For every mile necessarily traveled, in going only, in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding, forty cents; *provided*, that in serving a subpoena or venire, when two or more witnesses or jurors live in the same direction, but one mileage shall be charged.

Fees and mileage

SEC. 2. This Act shall take effect and be in force from and after its passage, and shall apply to the Counties of Tulare and Kern only.

CHAP. LXVIII.—*An Act regulating the salaries of certain officers of Tuolumne County.*

[Approved February 10, 1876.]

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

SECTION 1. The District Attorney of Tuolumne County shall receive a salary of eight hundred dollars per annum; the County Judge, one thousand dollars per annum; the County Assessor (including the pay of his deputies), twelve hundred dollars per annum; the County Treasurer, eight hundred dollars per annum; the County Auditor shall be ex officio School Superintendent, without compensation, but shall not be required to visit the schools; and the Sheriff, as Jailer, five hundred dollars per annum, and for feeding

Compensation of District Attorney, Judge, Assessor, Treasurer, Auditor, and Sheriff

prisoners, each fifty cents per day, and shall also be made Collector of Poll-taxes.

Fees. SEC. 2. The District Attorney of said county shall receive, in addition to the salary provided in section one of this Act, such fees as are now allowed by law as District Attorney for said county.

Same. SEC. 3. The County Treasurer of said county shall receive, in addition to the salary prescribed in section one of this Act, such fees as are now allowed by law as Treasurer of said county.

Payment. SEC. 4. The salaries and fees prescribed in the foregoing sections of this Act shall be paid at the time and out of the funds now provided by law for the payment of said salaries and fees.

SEC. 5. This Act shall not affect the salaries or fees of the officers now elected in said county, but shall apply to their successors in office.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. LXIX.—[See volume of *Amendments to the Codes.*]

CHAP. LXX.—[See volume of *Amendments to the Codes.*]

CHAP. LXXI.—*An Act making an appropriation for translating into Spanish the laws of the Twentieth Session of the Legislature of the State of California.*

[Approved February 10, 1876.]

Preamble. WHEREAS, By inadvertence, no appropriation was made at the last session of the Legislature for the translation of the laws of said session into Spanish; and, whereas, the State Board of Examiners have heretofore audited and allowed to José F. Godoy the sum of two thousand five hundred and eighty-six dollars and nineteen cents for such translation; therefore,

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

Payment for translation. SECTION 1. The sum of two thousand four hundred and sixty-three dollars and four cents is hereby appropriated, out of any money in the State treasury not otherwise appropri-

ated, to pay José F. Godoy, his heirs or assigns, for translating into Spanish the laws of the twentieth session of the Legislature of the State of California.

SEC. 2. The Controller of the State is hereby authorized and required to draw his warrant, payable out of the General Fund, for said amount, and the Treasurer of the State is hereby authorized and required to pay the aforesaid sum. Warrant.

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

CHAP. LXXII.—*An Act to authorize E. Barry to remove certain remains of deceased persons.*

[Approved February 10, 1876.]

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

SECTION 1. E. Barry, of Downieville, Sierra County, is hereby authorized and empowered to remove, or cause to be removed, all of the remains of deceased persons interred in the "old graveyard" in the northeastern part of the Town of Downieville, in said county, and to inter, or cause them to be interred, within a suitable fence in the plat of ground adjoining the new cemetery, northeast of said town. Said E. Barry may remove, or cause to be removed, all of said remains of deceased persons, and reinter, or cause them to be reinterred, in said ground adjoining said new cemetery, decently and in good order; and he shall cause any and all tombstones, ornaments, inscriptions, and inclosures, now on or around the graves of said remains, to be removed and reërected in good order on and around the new graves. But before commencing the removal of said remains, the said E. Barry shall execute to the people of the State of California a bond, with good and sufficient sureties, for the faithful carrying out of the provisions of this Act, in such penal sum as the Supervisors of said county may direct. Granting authority to remove deceased bodies.
Reinterment.
Bond.

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

CHAP. LXXIII.—*An Act to provide for the construction and completion of certain wagon roads in the County of Humboldt.*

[Approved February 12, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Humboldt are hereby authorized to issue the bonds of said county, in such sums as may be required, for the construction Supervisors to issue bonds.

and completion of certain wagon roads hereinafter mentioned, not exceeding fifty-five thousand dollars, payable on the first day of January, A. D. eighteen hundred and ninety-six, with interest thereon at the rate of nine per cent. per annum, payable annually on the first day of January; both principal and interest payable in United States gold coin only. Bonds shall be issued in denominations of five hundred dollars each, numbered consecutively, and shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor of the county; interest coupons shall be attached, signed in like manner.

Payment of
bonds and
coupons.

SEC. 2. The bonds and coupons shall be paid at the office of the County Treasurer, and when any bonds or coupons are paid they shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the bonds and coupons so redeemed.

Coupons

SEC. 3. Said coupons shall bear the date of their issuance and be numbered in the order in which they are to be paid; the first coupons shall be for interest from their date up to the first day of January, next succeeding.

Interest
Fund.

SEC. 4. For the purpose of paying the interest on said bonds, the Board of Supervisors of said county shall, at the time of levying county taxes for each year, levy a special tax on all property in said county, sufficient to pay the interest for one year on all bonds then outstanding. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as the Road Bond Interest Fund Number Two, and out of said fund the coupons on said bonds shall be paid as they fall due.

Surplus
moneys.

SEC. 5. If the amount realized from said special fund exceed the amount required to pay the interest due in any one year for which it has been collected, the Board of Supervisors may transfer such surplus to the County General Fund.

Road Re-
demption
Fund.

SEC. 6. In and for the year one thousand eight hundred and eighty-six the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay five per cent. of the whole amount of bonds issued under the authority of this Act; in and for the year one thousand eight hundred and eighty-seven, sufficient to pay six per cent. of the whole issue; in and for each of the years one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, and one thousand eight hundred and ninety-three, sufficient to pay eight per cent., each year, of the whole issue; and for the years one thousand eight hundred and ninety-four and one thousand eight hundred and ninety-five, sufficient to pay, each year, twenty-one per cent. of the whole issue. The amount of taxes thus collected shall be set apart as a special fund, to be known as the Road Redemption Fund Number Two, authorized by this Act, and applied to payment of the bonds issued under this Act and to no other purpose.

SEC. 7. On the first day of January, one thousand eight hundred and eighty-seven, and of each year thereafter, until all of said bonds are redeemed or paid, the Board of Supervisors of Humboldt County shall, by advertisement in a newspaper published in said county, for three consecutive weeks, give notice of the amount of the said special Road Redemption Fund Number Two (No. 2) in the county treasury, and invite from the holders of said bonds sealed proposals, directed to the Chairman of the Board of Supervisors, of the terms upon which they are willing to surrender their bonds. The said Board, at the first regular meeting thereafter to be held, shall open all proposals until then received, and order the payment of the bonds offered at the lowest price, to an amount equal to that in said Redemption Fund; *provided*, that no bond shall be paid for at more than its par value and accrued interest. Proposals for redemption of bonds.

SEC. 8. The Board of Supervisors of said county, whenever it shall become necessary, in order to carry out the provisions of this Act, are authorized and required to sell any or all of said bonds after having published a notice for thirty days in one newspaper published in said county and one published in the City of San Francisco, inviting sealed proposals, directed to the Chairman of the Board of Supervisors, for the purchase of the same. Upon a day named in said notice, the Board shall meet to consider said proposals, and they shall deliver said bonds, with coupons attached, to the person or persons bidding the highest therefor, in United States gold coin; *provided*, that said Board of Supervisors shall have power to reject any and all bids. Sale of bonds.

SEC. 9. All funds derived from the sale of said bonds shall be set apart as a special fund, and be known as "Wagon Road Fund Number Two," and be by the Board of Supervisors appropriated, applied, and used, in laying out, constructing, and completing roads, as follows: thirty thousand dollars of said fund, *provided* that amount is required, shall be applied to the completion of a road located and constructed from a point near the northeast corner of section six (6), township (4) four north, range (2) two east, Humboldt base and meridian, to Block's store, under and by virtue of an Act entitled "An Act to provide for the construction of certain wagon roads in the County of Humboldt," approved February twenty-eighth, eighteen hundred and seventy-four, and for the laying out, construction, and completion of said road from Block's store, in Humboldt County, to the Mendocino County line, on the line of road to be located as provided in the next section. Twenty thousand dollars of said fund, or so much thereof as shall be required, shall be applied to the completion of the road located under the provisions of said Act, approved February twenty-eighth, eighteen hundred and seventy-four, from Ferndale, in Humboldt County, down the coast by way of Petrolia; that is, said sum of twenty thousand dollars, or so much thereof as shall be required, shall be expended in the completion of that part of said road lying between Ferndale and Manner in which funds shall be applied.

the southerly end of section five, division number one thereof; and five thousand dollars thereof, and all that remains, if any, of the twenty thousand dollars provided for the completion of the road from Ferndale down the coast by way of Petrolia, shall be laid out and expended by the Board of Supervisors in such manner as they shall deem best in the laying out and construction of a road from the southerly end of said section five, division number one, over the most practicable route to Gaberville, on the south fork of Eel River.

Appoint-
ment of
Road Com-
missioners to
locate roads.

SEC. 10. The Board of Supervisors of Humboldt County shall, within sixty days after the passage of this Act, appoint two Commissioners, and within the same time the Board of Supervisors of Mendocino County shall appoint one Commissioner, who shall not be a resident of Calpella, Little Lake, or Round Valley Township, and said Commissioners, or a majority of them, shall locate said road from a point near Block's store, in Humboldt County, over the best and most practical route, either to a point near the Widow Wilson's dwelling in Ten-mile Valley, Mendocino County; or from Block's store, thence on the nearest and most practicable route to a point on the boundary line between Mendocino and Trinity Counties, where the road running north from Covela, in Mendocino County, intersects said boundary line; *provided*, said Commissioners may adopt the survey made by R. F. Herrick, in eighteen hundred and seventy-four, or any part thereof, made under and by virtue of said Act, approved February twenty-eighth, eighteen hundred and seventy-four; and may employ an engineer if they deem his services necessary. The Commissioners heretofore appointed by the Board of Supervisors of Humboldt County, under and by virtue of said Act, approved February twenty-eighth, eighteen hundred and seventy-four, or any other three Commissioners that may be appointed by the Board of Supervisors of Humboldt County, which Board is hereby authorized to appoint to locate a road from the Town of Ferndale to the county line between Humboldt and Mendocino Counties, shall have power, and it shall be their duty, if so directed by the Board of Supervisors of Humboldt County, and subject to their approval, to alter or change so much of the location of said road as may be necessary to make the same more serviceable. All said roads, excepting the one last provided for in section nine of this Act, which is to connect the southerly end of section five, division number one, of the Coast range wagon road with Gaberville, on the south fork of Eel River, shall be at least ten feet wide, at least eight feet thereof shall be solid ground, and the grade or ascent and descent shall not exceed twenty-two inches to the rod. Said Commissioners shall divide the distances into sections of five miles each, each section to be designated by a stake plainly marked and numbered. Said Commissioners are authorized to employ a competent engineer, in case his services are required, and shall, within twenty days after their appointment, proceed to survey and locate said roads, and make and file with the Clerk of the Board of Supervisors

Grade.

Engineer.

of Humboldt County reports of such survey and locations, together with maps and field notes; and an estimate of the cost of construction of each section of said roads; and the same shall be filed with the Clerk of the Board of Supervisors of Mendocino County, so far as said roads, or either of them, shall be located in Mendocino County.

SEC. 11. Upon the filing of said reports, the Clerk of the Board of Supervisors shall notify each member of the Board of Supervisors of the County of Humboldt thereof, and on the tenth day after the filing thereof it shall be the duty of said Board to meet at their usual place of meeting in said Humboldt County. At such meeting they shall advertise for sealed proposals for the construction of said road or roads, in accordance with the provisions of this Act, and shall fix the time within which the work shall be completed. Said advertisement shall be published for three successive weeks, and shall call for separate bids for each section of said road or roads in Humboldt County so advertised; shall state the manner in which the work is to be done, the time allowed for the completion, and shall state, at a date therein named, at twelve o'clock m., that the Board will proceed to consider all bids received under this section. At the time named in the advertisement for opening the bids, each bidder shall furnish the Board of Supervisors of Humboldt County with the names of persons he can give as security for the completion of the contract according to his bid, with the written consent of such persons to become such security.

Report of Commissioners.

Sealed proposals.

SEC. 12. All contracts for the construction of said road or roads shall be awarded to the lowest responsible bidder; *provided*, the Board of Supervisors shall have power to reject any and all bids.

Contracts.

SEC. 13. Each bidder to whom a contract shall be awarded, shall execute a bond, with two good and sufficient sureties, to be approved by the Board of Supervisors, made payable to the County of Humboldt, in a penal sum equal to the amount bid, conditioned for the faithful performance of the work, but no contract shall be withheld if the bidder shall, within five days after a bond has been rejected, tender other and sufficient bond as provided by this Act.

Bond of bidders.

SEC. 14. When a contract shall have been completed the Commissioners, or a majority of them, shall, within twenty days after receiving notice thereof, examine the work and, if done in accordance with the contract, accept the same, and report their acceptance, with a report, duly verified, that they have examined the work and find it completed in all respects according to the contract; whereupon the Board of Supervisors shall order warrants drawn on the Treasurer, payable out of said Wagon Road Fund Number Two, for all money due on such contract.

Commissioners to examine work.

SEC. 15. The Commissioners shall receive as compensation for their services a sum to be fixed by the Board of Supervisors, not exceeding five dollars per day for the time actually engaged. Each county shall pay its own Commissioners, and if the commission shall deem it advisable to select the route from Block's store to Ten-mile Valley, then Mendocino

Compensation of Commissioners.

County shall pay of the expense in the location of said road in proportion to the number of days the Commissioners shall be engaged in Mendocino County bears to the whole time employed in the location thereof, to be determined by said Commissioners. The engineer employed, if any, shall receive a compensation for his services, to be fixed by the Commissioners.

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

CHAP. LXXIV.—*An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay a certain indebtedness created by the former Board of Water Commissioners of said city.*

[Approved February 12, 1876.]

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

Mayor and
Common
Council to
pay certain
warrants.

SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to pay all those warrants issued by the Board of Water Commissioners of the City of Los Angeles, created by an Act approved the second day of April, A. D. eighteen hundred and seventy, which warrants appear protested on the books of the Treasurer of said city, and amounting to the sum of seven thousand five hundred and seventy-two dollars and sixty cents.

Levying of
tax.

SEC. 2. The said Mayor and Common Council may pay the said indebtedness in the following manner, to wit: at the time the said Mayor and Common Council may levy its first annual tax after the passage of this Act they may levy a tax sufficient to pay one-half said protested warrants, and said tax may be levied and collected in the manner provided by law for the ordinary levying and collecting of the ordinary taxes in that municipality.

Special
funds to be
created.

SEC. 3. The Mayor and Common Council are hereby authorized to create a special fund, to be called "the Los Angeles Water Commissioners' Indebtedness Fund," and the City Treasurer of Los Angeles City shall keep a separate account for said fund, and all moneys collected pursuant hereto on said tax shall be paid into said fund.

Redemption
of warrants.

SEC. 4. Whenever there is any money in said fund the City Treasurer shall redeem therewith said warrants protested as above set forth, according to the date of their presentation and protest for want of payment, beginning with those first protested and so redeeming until said fund be exhausted.

Treasurer to
report.

SEC. 5. The said City Treasurer shall then render his report of the amount of warrants so redeemed and deliver them to said Common Council to be destroyed.

Redemption
of remaining
warrants.

SEC. 6. The said Mayor and Common Council may then, at the time they levy their next annual tax for said municipality, levy a tax sufficient to redeem the balance of said

warrants, which tax may be levied and collected and paid out for the redemption of the balance of said warrants above set forth.

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

CHAP. LXXV.—*An Act to repeal an Act entitled "An Act to amend an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two," and to repeal certain new sections added to said Act, approved March twenty-eighth, eighteen hundred and seventy-four.*

[Approved February 14, 1876.]

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

SECTION 1. Sections eighty-two, eighty-three, eighty-four, and new sections eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, and ninety, of said Act, are hereby repealed. Repeal of certain sections.

SEC. 2. The repeal of said sections of said Act shall not be construed so as to affect any bonds sold, contracts entered into, or liability incurred in pursuance of the provisions of the above-named Act. How construed.

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

CHAP. LXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. LXXVII.—*An Act to provide for the payment of certain indebtedness incurred by the Directors of the Deaf and Dumb and Blind Asylum.*

[Approved February 15, 1876.]

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

SECTION 1. The sum of twenty-seven thousand dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to be paid to the Directors of the Deaf and Dumb and Blind Asylum, and to be expended by them in the repayment of loans made to the said Directors by the Union Savings Bank of Oakland, for the purpose of erecting and furnishing, for the use and comfort of the pupils Appropriation for temporary building.

of the said asylum, a temporary building, made necessary by the fire of January seventeenth, eighteen hundred and seventy-five, which destroyed the main buildings of the said asylum.

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

CHAP. LXXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. LXXIX.—*An Act to establish and maintain a training-ship in the City and County of San Francisco.*

[Approved February 15, 1876.]

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

Supervisors
authorized
to procure
ship and
necessary
equipments.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to procure a ship, of suitable size and tonnage, with all the necessary tackle, furniture, and equipments, provided said ship can be obtained without expense to said city and county, on board of which to instruct boys in practical seamanship and navigation, to be called a training-ship. Said ship shall cruise at least fifteen days in each month, in order that the pupils may acquire a thorough knowledge of nautical evolutions by experience and practice. When not engaged in cruising she shall be anchored in the Bay of San Francisco, within the corporate limits of said city and county. Said Board shall supply said ship with all the materials and implements necessary to give to said boys a proper and efficient nautical education; and the said Board is hereby authorized to apply to the United States Government for the use of a vessel and supplies for the purposes above mentioned, and to accept therefrom any vessel, together with its necessary tackle, furniture, and equipments, which the said Government may assign to said city and county, to be used for the purposes contemplated by this Act; and to accept the services of any officers or men which said Government may detail for service on board of any such vessel, and upon such terms and conditions, consistent with the provisions of this Act, as the said Government may prescribe.

Ship to be
under the
manage-
ment of
Supervisors.

SEC. 2. Said training-ship shall be under the general management of the Board of Supervisors of the City and County of San Francisco, who shall appoint as one of their standing committees a committee of three of their members, to be called the "Training-ship Committee," who shall, subject to the approval of the said Board of Supervisors, prescribe terms and conditions of service; *provided*, that no boys shall be received on board of said ship as punishment, or in

commutation of punishment for crime; *and further provided*, that all boys received on board said ship shall be examined by a competent physician and prove to be in sound bodily health, and shall not be under fourteen or over eighteen years of age. Said committee shall, under the directions of said Board of Supervisors, adopt rules and regulations for the government of said boys, and appoint all necessary instructors and employés, and fix their compensation; and shall require the Principal or Superintendent to furnish to said Board quarterly reports of the number of pupils, their character, progress, and such other matters as said Board shall direct.

SEC. 3. Said Board is hereby authorized and empowered to indenture or transfer from the training-ship, after any semi-annual examination, and with his consent, and that of his parents or guardian, any boy thereon, to any merchant ship or vessel of the United States, for service thereon, upon such terms and conditions as said Board shall prescribe, consistent with the original enlistment of said boys.

Transfer of pupils.

SEC. 4. Any person who shall aid any boy in escaping or deserting from said training-ship shall be guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment in the County Jail for a term not exceeding one year, or by both such fine and imprisonment.

Concerning escapes.

SEC. 5. The Board of Supervisors of said city and county is hereby authorized and required to direct to be paid, out of the General Fund of said city and county, the amount of money necessary to carry out fully all the provisions of this Act, not exceeding twenty-five thousand dollars per annum, and the Auditor of said city and county is hereby required to audit all claims passed by said Board in pursuance of the provisions of this Act, and the Treasurer of the said city and county is hereby directed to pay the same.

How expenses shall be defrayed.

SEC. 6. The ship known as the training-ship shall be exempt from all charges for pilotage when going into or out of any port of this State. When the commander of said ship applies for the services of a pilot, said pilot refusing the same free of charge, the power appointing said pilot may revoke his license.

Exemption from pilotage.

SEC. 7. An Act entitled "An Act to establish and maintain a training-ship or ships in the City and County of San Francisco," approved March sixteenth, eighteen hundred and seventy-four, and all Acts or parts of Acts, so far as the same may be inconsistent with the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect from and after its passage, and the Board of Supervisors of said city and county is hereby authorized to accept the ship "Jamestown," or any vessel substituted therefor, from the Government of the United States, if fully equipped for the purposes indicated in this Act.

CHAP. LXXXI.—*An Act to amend an Act entitled an Act to regulate official salaries in the County of Solano, approved March thirtieth, A. D. eighteen hundred and seventy-four.*

[Approved February 15, 1876.]

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

Compensation of Sheriff and Assessor.

SECTION 1. Section two of said Act is amended so as to read as follows: Section 2. No compensation shall be allowed to any officer named in section one, for deputies or assistance, or for the performance of any duties devolved upon him by virtue of his office, but the compensation fixed in said section shall be in full for all services rendered, except that, first, the Sheriff may retain for his own use the mileage received by him in civil cases, the sums received by him for conveying prisoners to the State Prison and patients to the Insane Asylum, the fees for collecting licenses, the amount allowed by the Board of Supervisors for feeding prisoners confined in the County Jail, not exceeding fifty cents per day for each prisoner, and his expenses in taking and keeping possession of and preserving property under attachment or execution, or other process; *provided*, that no more than three dollars per diem shall be allowed to a keeper; second, the Assessor may retain for his own use the percentage allowed by law for collecting poll-taxes and the property tax on personal property.

How salaries shall be paid.

SEC. 2. Section ten of said Act is amended so as to read as follows: Section 10. All warrants so drawn for the payment of the salaries of the officers named in this Act, and also for the payment of the salaries of the County Judge and District Attorney of said county, shall be payable out of the Salary Fund of said county; *provided, however*, whenever there be not sufficient money in said Salary Fund to pay said warrants, or either of them, as hereinbefore provided, the Treasurer of said county shall transfer to said fund, from the General Fund, a sufficient sum for that purpose.

County Judge.

SEC. 3. This Act shall be in force from and after the first day of March, A. D. eighteen hundred and seventy-six, except so far as applicable to County Judge, and as to him it shall take effect immediately.

CHAP. LXXXII.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXIV.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXV.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. LXXXVII.—*An Act to make the provisions of the Political Code concerning highways applicable to San Bernardino County.*

[Approved February 15, 1876.]

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

SECTION 1. The provisions of the Political Code concerning highways, bridges, toll roads, public ferries, and toll bridges, are hereby made applicable to San Bernardino County, and all special Acts in conflict with such provisions are hereby repealed.

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

CHAP. LXXXVIII.—*An Act to prevent certain animals and fowls from running at large within the limits of the Town of Fresno.*

[Approved February 15, 1876.]

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

SECTION 1. It shall be unlawful for any hog, horse, mare, colt, mule, jack, jennet, horned cattle, sheep, goat, or turkey, to run at large within the limits of the Town of Fresno as shown by the official map of the Town of Fresno, made by the Contract and Finance Company. Animals not to run at large.

SEC. 2. It shall be the duty of the Constable of the township in which said Town of Fresno is located, to take up all such animals or turkeys found running at large within the limits of said town. Constable.

SEC. 3. The Constable shall proceed to sell such animals or turkeys so taken up under the provisions of this Act, by giving at least five days public notice of such sale, by posting notices in three public places within the town site where such animals or turkeys are so taken up. And all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid to the owner or owners of the animals or turkeys taken up, if demanded Sale of animals.

within thirty days, otherwise it shall, at the expiration of thirty days, be paid into the treasury of Fresno County, and if not claimed within one year, by the owner or owners of the animals or turkeys taken up, shall be placed to the credit of the school district in which said Town of Fresno is situated, and become a part of the fund of said district; but the owner or owners of the property taken up under the provisions of this Act may, at any time previous to the sale, recover any animal or turkey so taken up, on payment of the cost of keeping, and one dollar (\$1) per head for each animal, and twenty-five cents apiece for each turkey.

Penalty for neglect of official duty.

SEC. 4. Any Constable purposely refusing or neglecting to take up all such animals or turkeys running at large, shall be deemed guilty of a misdemeanor, and it shall be the duty of the District Attorney to immediately prosecute said officer before a Court of competent jurisdiction, and upon conviction said officer shall be fined not less than ten dollars (\$10), nor more than twenty-five dollars (\$25) for each offense.

How construed.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals or turkeys through any of the public thoroughfares of said town.

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

CHAP. LXXXIX.—*An Act to create the Twenty-first Judicial District.*

[Approved February 15, 1876.]

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

Counties to constitute district.

SECTION 1. The Twenty-first Judicial District is hereby created, and shall be composed of the Counties of Modoc, Lassen, and Plumas.

Immediate jurisdiction.

SEC. 2. All actions and proceedings pending in the District Court in said counties at the time this Act goes into effect, shall be proceeded with, heard, and determined in the Twenty-first Judicial District, as if such action or proceeding had been commenced therein.

Terms of Court.

SEC. 3. In the Twenty-first Judicial District the terms of the District Court shall be held as follows: In the County of Modoc, on the first Monday of February, May, August, and November. In the County of Lassen, on the third Monday of February, May, August, and November. In the County of Plumas, on the second Monday of March, first Monday of June, September, and December.

Election of Judge.

SEC. 4. At the special judicial election held in the year one thousand eight hundred and seventy-seven, and every six years thereafter, a District Judge shall be elected for the Twenty-first Judicial District, and the Judge so elected shall

go into office on the first Monday of January next after his election.

SEC. 5. When this Act goes into effect the Governor shall immediately appoint some person as District Judge of the Twenty-first Judicial District, who shall hold his office until his successor is elected and qualified, as provided in this Act. Governor to appoint.

SEC. 6. The District Judge of the Twenty-first Judicial District shall receive a salary of four thousand dollars per annum, payable at the same time and in the same manner as the salaries of other District Judges of this State. Salary of Judge.

SEC. 7. This Act shall take effect and be in force from and after the first day of June, A. D. eighteen hundred and seventy-six.

CHAP. XC.—*An Act to amend an Act entitled "An Act to authorize Chico School District to issue bonds for building purposes," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved February 16, 1876.]

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

SECTION 1. Section fourteen of said Act is hereby amended to read as follows: Section 14. It shall be the duty of said County Treasurer to place all moneys paid into the county treasury by virtue of this Act to the credit of said school district, and the same shall be subject to the order of the School Superintendent of said county. The said School Superintendent shall remit quarterly all moneys then in the treasury derived from said tax, to the Bank of Butte County, and the expenses thereof shall be a charge against said school district; said money, when so deposited in said bank, shall be placed to the credit of Chico School District, and shall be used by said Trustees for the payment of the expenses of assessing and collecting said tax and remitting said money to the Bank of Butte County, as hereinbefore provided, and for the payment of the interest on said bonds and their redemption as hereinafter provided. School moneys.

SEC. 2. Section seventeen of said Act is amended to read as follows: Section 17. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall receive salaries as follows: The District Assessor, the sum of two hundred dollars per annum, and District Tax Collector the sum of one hundred dollars per annum. The Trustees of said school district shall, on the first Mondays of January and July in each year, audit and pay the salaries then due the Assessor and Collector out of any moneys then in the Bank of Butte County derived from the tax provided for in this Act. Should a vacancy occur in either of said offices of Assessor and Collector the same shall be filled until the next annual election. Salaries of Assessor and Collector.
Vacancies.

of School Trustees in said district, by appointment made by the Board of Trustees of said school district, and then by election for the unexpired term.

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

CHAP.—XCI.—*An Act to provide for the funding of the levee indebtedness of the City of Marysville.*

[Approved February 18, 1876.]

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

Commissioners to fund indebtedness.

SECTION 1. The Funding Commissioners of the City of Marysville are hereby authorized and empowered to fund the indebtedness represented by the warrants outstanding against the Levee Fund of said city on the first day of April, one thousand eight hundred and seventy-six, in the manner hereinafter provided.

Issuance of bonds.

SEC. 2. Said Commissioners shall cause to be prepared bonds of the denomination of five hundred dollars each, drawing interest at the rate of eight per cent. per annum from date of their issuance. The principal thereof shall be made payable on or before the first day of July, eighteen hundred and ninety-six, at the office of the Treasurer of said city. Both principal and interest shall be payable in United States gold coin. The interest accruing on said bonds shall be due and payable semi-annually on the first day of January and July of each year, at said Treasurer's office. Every bond must be signed by the said Commissioners and bear the impress of the corporate seal of said city. Each bond shall have coupons attached, numbered consecutively, provided for the semi-annual payment of the interest of the bond to which the coupons are attached, which shall be signed by the Mayor of said city. The first coupon on each bond shall provide for the payment of the interest thereon from the date of its issuance to the first day of July, eighteen hundred and seventy-six.

Warrants to be exchanged for bonds.

SEC. 3. All persons holding said warrants on the Levee Fund must present the same to said Commissioners, and shall receive in exchange bonds for the full amount of principal and interest due on said warrants up to the first day of April, eighteen hundred and seventy-six, and all warrants shall cease to draw interest after said date. The Commissioners shall give to each person having an amount less than the denomination of the bonds a certificate therefor, which certificate shall be received and funded in the same manner as the original warrants, when presented with other certificates or warrants in amounts equal to the denomination of the bonds. As soon as said Commissioners shall have funded all of the warrants on the Levee Fund and certificates which they may have issued therefor, which in the aggregate

amount to the denomination of the bonds, should there still be an indebtedness outstanding less than said amount, they shall certify to the Common Council the amount of said outstanding indebtedness, who shall pay the same by warrants on the General Fund. It shall be the duty of said Commissioners to cause all such warrants for which bonds shall be issued as herein provided, to be canceled immediately after issuing bonds therefor.

Cancellation of warrants.

SEC. 4. Said Commissioners shall keep an account of the number and amount of all bonds signed by them, and also a separate account of all such bonds, showing the number and date, and amount of said bonds, and to whom the same were issued.

Duties of Commissioners.

SEC. 5. The duties of said Commissioners under this Act shall be deemed a part of their official duties respectively, for the performance of which they shall be responsible individually, and on their bonds respectively. The expense of preparing and issuing said bonds shall be paid by the Common Council of said city out of the General Fund.

Same.

SEC. 6. At any time before the first day of March, eighteen hundred and seventy-six, said Commissioners shall cause notice to be given by publication in some newspaper published in Marysville, Sacramento, or San Francisco, of their readiness to fund said indebtedness, which notice shall be published once a week for at least four weeks.

Notice to be given.

SEC. 7. For the payment within twenty years of the principal and interest of the bonds issued under this Act, the Common Council are hereby authorized and it shall be their duty to levy annually, at the same time and in the same manner as other city taxes are levied, a tax on all taxable property within the limits of the city levee sufficient to pay the interest on such bonds, and the amount collected therefrom shall be set apart as a special fund, and denominated the Levee Bond Interest Fund. After the expiration of ten years there shall be levied and collected annually, in like manner as the money for interest is provided to be collected, a sufficient amount to pay ten per cent. of the amount of bonds issued under the provisions of this Act, to create a fund for the final redemption of said bonds, and any moneys so collected shall be set apart and denominated the "Levee Bond Redemption Fund." The Treasurer shall set apart from the first money paid into the treasury from the collection of taxes each year, the amounts required to pay interest, and for the final Redemption Fund provided for herein. Any moneys received from taxation as herein provided shall not be used for any purpose other than that for which it was levied.

Taxes to pay interest and for redemption of bonds.

SEC. 8. Whenever there is in said Redemption Fund ten per cent. of the amount of bonds issued, the Commissioners shall advertise in some newspaper printed in Marysville, Sacramento, or San Francisco, once a week, for three successive weeks, that they are prepared to receive proposals for the redemption of an amount of said bonds equal to the amount of money in said fund, specifying the time and place for opening said proposals. Said proposals shall be opened in

Proposals for redemption of bonds.

public, provided that no bid above par value shall be considered, and the bonds shall accompany the bid. In case the proposals for the surrender of bonds at par value, or less, shall not absorb the whole amount in said Redemption Fund, then the Commissioners shall advertise in the same manner as provided for in this section for advertising for proposals for redemption of bonds, that they are prepared to redeem at par value a certain amount of said bonds in the numerical order in which they issued, stating the numbers. The interest on the bonds, so advertised, shall cease from and after the date of said advertisement.

Cancellation.

SEC. 9. All bonds and coupons redeemed under the provisions of this Act shall be canceled by the Commissioners, and disposed of by them in the same manner as they are by law required to cancel and dispose of other bonds of said city.

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

CHAP. XCII—*An Act entitled an Act to district the City of Oakland into wards.*

[Approved February 19, 1876.]

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

Boundaries of wards.

SECTION 1. The City of Oakland is hereby districted into wards as follows, to wit:

First Ward—All that part of the City of Oakland lying west of Adeline Street.

Second Ward—All that part of the City of Oakland lying north of (20th) Twentieth Street and Delger Street, and east of Adeline Street.

Third Ward—All that part of the City of Oakland lying east of Adeline Street, south of (20th) Twentieth Street and Delger Street, west of Broadway Street, and north of (10th) Tenth Street.

Fourth Ward—All that part of the City of Oakland lying east of Adeline Street, west of Broadway Street, and south of (10th) Tenth Street, and north of the southerly charter line of the City of Oakland.

Fifth Ward—All that part of the City of Oakland lying east of Broadway Street, south of (20th) Twentieth Street and Delger Street, and north of (10th) Tenth Street, and west of the line which divides Oakland Township from Brooklyn Township.

Sixth Ward—All that part of the City of Oakland lying east of Broadway Street and south of (10th) Tenth Street.

Seventh Ward—All that part of the City of Oakland lying in Brooklyn Township and which is known as East Oakland.

An election shall be held in the Second, Third, and Sixth Wards of said city on the second Monday of March, A. D. eighteen hundred and seventy-six, at which said election one Councilman shall be elected for each of said wards, to serve without pay and hold office until the second Monday of March, A. D. one thousand eight hundred and seventy-seven. And at the same time there shall be an election held in the First, Second, and Third Wards of said city, at which election one School Director shall be elected for each of said wards, who shall serve without pay and hold office until the second Monday of March, A. D. one thousand eight hundred and seventy-seven. And on the second Monday of March, A. D. eighteen hundred and seventy-seven, and every two years thereafter, one Councilman and one School Director shall be elected for each ward in the said City of Oakland, who shall hold office for two years and until their successors are elected and qualified; each and all of whom shall serve without pay. And no person shall vote at such election unless he is a qualified elector and has been a resident of the ward in which he casts his vote for at least thirty days immediately preceding such election. All other officers for said city shall be elected, hold office, and receive pay in the same manner and to the same extent as is now provided for by law. And the Mayor of said city, the City Marshal, and the Clerk of the city, shall constitute the Board of Equalization, and said Clerk shall be the Clerk of said Board.

Election of Councilmen and School Directors.

Other officers.

Board of Equalization

SEC. 2. No person shall be eligible to the office of Councilman or School Director who shall not have been an elector and resident of the ward in which he is elected, for one year immediately preceding his election. The City Council shall appoint a Board of Election in each of the wards in which an election is to be held under the provisions of this Act, consisting of one Inspector and two Judges, which Judges shall not be appointed from members of the same political party, and shall name a polling-place for each of said wards, and shall publish an election proclamation for four successive weeks immediately preceding said election, in one of the daily papers published in the City of Oakland; *provided, however,* that at the first election held under the provisions of this Act, but ten days notice by publication shall be required.

Electors and residents only eligible to office.

SEC. 3. All officers elected under the provisions of this Act shall take office on the Monday next succeeding their election.

SEC. 4. If the members of the said City Council fail to designate the house or place for holding the election, or if it cannot be held at the house or place designated, the Justices of the Peace residing in said city must meet two days before the election, and by an order under their hand (copies of which they must at once post in three public places in each ward where the said City Council have so failed or neglected to name the place or house for holding said election), designate the house or place; and if the said City Council fail to appoint the Election Board, or if the members appointed do not attend at eight o'clock A. M. on the morning of the elec-

Polling-places.

Electors to fill places of absentees on Election Boards. Vacancies in office.

tion, the electors of the ward present at that hour may appoint the Board, or supply the place of any absent member thereof.

SEC. 5. In case of vacancy occurring in any of the offices which are herein provided for, the City Council shall, by a vote of said Council, have power to fill the same by appointing a person from the same ward in which the vacancy occurred to hold office until the next election held under the provisions of this Act.

Elections to be held under the Code.

SEC. 6. All elections held under this Act shall be held and conducted in accordance with the provisions of the Political Code governing general elections, so far as the same are not in conflict with any of the provisions of this Act.

SEC. 7. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAP. XCIII.—*An Act for the relief of John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County.*

[Approved February 24, 1876.]

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

Appropriation to pay claim.

SECTION 1. The sum of six thousand five hundred dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay John Jackson, ex-Sheriff and ex officio Tax Collector of Trinity County, for sums expended and losses incurred by him in a certain prosecution against him in the United States Circuit Court, in the year eighteen hundred and seventy-one, for collecting "foreign miners' license taxes" under the laws of this State. The Controller is hereby directed to draw his warrant on the Treasurer in favor of the said John Jackson for said sum, and the Treasurer directed to pay the same.

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

CHAP. XCIV.—*An Act to fix the time for holding municipal elections in the City of Oakland.*

[Approved February 25, 1876.]

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

Time of holding election.

SECTION 1. The municipal election for all officers of the City of Oakland shall be held on the second Monday of March of each year, in the manner now provided by law;

provided, however, that at the first election held after the passage of this Act but five days' notice thereof by publication shall be required.

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

CHAP. XCV.—*An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the Township of Oakland and County of Alameda.*

[Became a law by operation of the Constitution, February 22, 1876.]

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

SECTION 1. The Trustees of the First Congregational Religious Society of Oakland are hereby authorized and empowered to execute a deed of gift to the First Congregational Society of Berkeley, of that certain real estate in said Township of Oakland, being lot numbered one, in block seven, according to the map of the property of the College Homestead Association of Oakland, Alameda County, California, recorded in the office of the Recorder of said County of Alameda, bounded one hundred and fifty feet on the northern line of Dwight Avenue, and three hundred feet on eastern line of Chote Street, together with all the buildings and appurtenances.

Trustees empowered to execute deed.

SEC. 2. Said deed shall be executed in the name of the First Congregational Religious Society of Oakland, and signed and acknowledged by the Moderator and Secretary of the Board of Trustees of said society, and when so signed and acknowledged and delivered, said deed shall transfer and convey to the said First Congregational Society of Berkeley all the title of the said First Congregational Religious Society of Oakland, of, in, and to the said real estate.

Deed, how executed.

Transfer of title.

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

This bill remaining ten days in the possession of the Governor without receiving his approval, becomes a law by constitutional provision.

T. BECK, Secretary of State.

CHAP. XCVI.—*An Act to legalize the acts of the Board of Education of Placerville School District, and to provide for maintaining schools therein.*

[Approved February 25, 1876.]

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

SECTION 1. The act of the Board of Education of Placerville School District, in the County of El Dorado, in borrow-

The borrowing of money legalized and confirmed.

ing the sum of two thousand dollars, for the purpose of completing the Grammar School-house in said district, is hereby legalized, confirmed, and declared valid, and the amount of said sum remaining unpaid, together with the interest thereon, is a valid and binding debt against said district.

Tax levied.

SEC. 2. An ad valorem tax of sixty cents on each one hundred dollars value of taxable property of said school district is hereby levied each year, not exceeding two years, for the purpose of paying the amount of said indebtedness, and to provide additional school facilities for said school district.

Assessor to be elected.

SEC. 3. The property in said school district shall be assessed and the taxes collected by an Assessor to be elected by the qualified electors of said district, at the election held for School Directors, on the third Tuesday in April, eighteen hundred and seventy-six.

Mode of election.

SEC. 4. The election for such Assessor and Collector must be called as provided in section eighteen hundred and thirty-one of the Political Code.

Notices of

SEC. 5. The notices must specify the time and place of holding the election, and the purpose for which it is held.

Form of ballots

SEC. 6. At such election, the ballots must contain the name of one person as Assessor, and one as Collector; *provided*, that the same person may be elected to both offices, and discharge the duties appertaining to the same.

Board to canvass returns.

SEC. 7. The officers of the election must deliver the returns to the Board of Education of said school district, who shall canvass and declare the result, and issue a certificate to the persons having a plurality of legal votes cast for each office respectively.

Assessor and Collector to execute bond

SEC. 8. The Assessor and Collector must each execute an official bond in an amount to be fixed by said Board of Education, and receive for their services such compensation as may be fixed by said Board, to be paid out of the moneys collected.

Duty of Assessor

SEC. 9. The Assessor must assess to the owners, or where the owners cannot be ascertained, to unknown owners, all the taxable property in said district, and within thirty days return his roll, footed up, to the Board of Education.

Board of Education to sit as Board of Equalization.

SEC. 10. The Board of Education, upon receiving the assessment roll from the Assessor, must give five days' notice by posting written or printed notices in three public places in said district, and sit for at least three days as a Board of Equalization at such time and place as was named in said posted notice; and said Board are hereby declared to have the same power with reference to said assessment roll as have County Boards of Equalization with the assessment roll of the county, and may make changes in said district assessment roll.

Board to deliver assessment roll to Collector.

SEC. 11. As soon as the assessment roll has been equalized as provided in the preceding section, the Board must deliver the same to the Collector, who must proceed to collect the tax, and within thirty days return the roll to said Board with the word "Paid" marked opposite the name of each person

or description of property from whom or on which he has received the tax, and also file with said Board the County Treasurer's receipt to the credit of said Placerville School Fund for all money by him collected; and the persons and property in said roll not marked "Paid" are hereby declared delinquent. Every tax levied and declared delinquent by or according to the provisions of this Act has the effect of a judgment against the person and property of the delinquent. In case of a vacancy in the office of Assessor or Collector, from any cause mentioned in section eighteen hundred and forty-two of the Political Code, the Board of Education must call an election to fill such vacancy.

Vacancy to be filled by election.

SEC. 12. Within ten days after the return of the tax-roll of the Tax Collector, the Board must make out a list of all persons and property delinquent, and deliver the same to the Collector. The Collector must publish the delinquent list, and append a notice thereto, by publication once a week for three successive weeks in some newspaper published in the county, which list must contain the names of the persons and a description of the property delinquent, and the amount of taxes due, with fifteen per cent. added, opposite each name and description, with the taxes due on personal property added to the taxes due on real estate, when by the revenue laws of this State the real estate is liable therefor, or the several taxes are due from the same person, and that unless the taxes delinquent, together with the percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction. The publication must designate the time of sale, which must not be less than twenty-one, nor more than twenty-eight days from the first publication, and said sale must be in front of the Tax Collector's office, which must be specified in said publication.

Collector to make and publish delinquent list.

Time of sale.

SEC. 13. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the Collector must, at the hour of ten o'clock A. M., commence the sale of the property advertised, upon which the taxes and percentage have not been paid, commencing at the head of the list and continuing alphabetically until completed. He shall continue the sale from day to day, if necessary, but it must be completed within six days from the first day fixed.

Hour of sale.

SEC. 14. The person who will take the least quantity of the land, or in case an individual interest is assessed, then the smallest portion of the interest, and pay the taxes and percentage due, including two dollars to the Collector for the certificate of sale, shall be deemed the purchaser.

Terms of sale.

SEC. 15. After receiving the amount of the taxes and costs the Collector must make out, sign, and deliver to the purchaser, a certificate dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of assessment, and designating the time when the purchaser will be entitled to a deed.

Collector to certify facts.

Redemption, when made. SEC. 16. A redemption of any property sold under this Act may be made by the owner, or any party in interest, within twelve months from the date of the purchase, by the payment to him of the purchase money, and fifty per cent. thereon.

Collector to make deed. SEC. 17. If property is not redeemed within twelve months from the sale, the Collector must make the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption.

Deed to convey absolute title. SEC. 18. Such deed, duly acknowledged or proved, is, except as against actual fraud, conclusive evidence of the regularity of all proceedings, from the assessment by the Assessor inclusive, to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, together with the improvements thereon, free of all incumbrances, except where the land is owned by the United States or this State, in which case it is a prima facie evidence of the right of possession.

SEC. 19. This Act shall take effect from and after its passage.

CHAP. XCVII.—*An Act to authorize the Board of Education of Vallejo Township, in the County of Solano, to borrow money for school purposes.*

[Approved February 25, 1876.]

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

Granting to Board authority to borrow money and execute mortgage. SECTION 1. The Board of Education of Vallejo Township, County of Solano, composed of Job G. Lawton, Isaac S. Halsey, Andrew J. McPike, John Q. Adams, and David Rutherford, and their successors in office, are hereby authorized and empowered to borrow five thousand dollars for the purpose of paying a certain promissory note held by the Vallejo Savings and Commercial Bank against the Vallejo School District; and for the securing the repayment of the same, to execute and deliver a promissory note, together with a mortgage upon lots numbered one, two, three, four, and five, in block numbered three hundred and forty-nine, in the City of Vallejo, in the County of Solano; *provided*, that the promissory note to be secured by the said mortgage shall not run for a longer period than three years.

SEC. 2. This Act shall take effect immediately.

CHAP. XCVIII.—*An Act to provide for refunding the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four.*

[Approved February 25, 1876.]

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

SECTION 1. In order to refund the debt of the County of Tehama, funded under an Act approved March thirtieth, eighteen hundred and sixty-four, the County Auditor and County Treasurer of said county, and their successors in office, shall issue and sell one hundred and twenty bonds of the County of Tehama, in sums of two hundred and fifty dollars each, payable in gold coin of the United States, at the office of the County Treasurer of the County of Tehama, on or before the first day of February, eighteen hundred and ninety-five, and bearing interest at the rate of eight per cent. per annum, and payable annually on the first day of February of each year, in gold coin of the United States, at the office of the County Treasurer of said county. Said bonds shall be signed by the Auditor and Treasurer of said county, and shall have the seal of the County Court affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Auditor and Treasurer of said county.

Auditor and Treasurer to issue bonds.

SEC. 2. Before the sale of said bonds the Auditor and Treasurer shall appoint a day and hour for such sale, and shall give notice thereof by publication at least three weeks in each and all of the newspapers printed and published in said County of Tehama, and a notice that sealed proposals will be received by the said Auditor, for the purchase of said bonds, at any time before the hour of sale. On the day and hour named in said notice, the Auditor and Treasurer of said county shall open all sealed proposals received, and shall award the purchase of said bonds to the highest responsible bidder or bidders; *provided*, they may reject any and all bids; *and provided further*, that no bonds shall be sold for less than ninety cents in gold coin on the dollar, par value; *and provided further*, that they may sell said bonds at private sale, but for not less than par value in gold coin.

Must give notice of sale.

SEC. 3. The proceeds of the sale of said bonds shall be paid in to the County Treasurer and appropriated for the payment of the said funded debt, which was due on the first day of January, eighteen hundred and seventy-five. And the overplus, if any there be, after paying all of said bonds, shall be paid into the General Fund; and should there be any deficiency in the payment of said bonds, it shall be made up from the General Fund of said county.

Disposition of the funds.

SEC. 4. For the payment within nineteen years of the principal and interest of the bonds issued under this Act, the Board of Supervisors of said county is hereby authorized, and it shall be their duty to levy annually, at the same time and manner as other county taxes are levied, a sufficient amount to pay the interest on all the bonds sold and unre-

Supervisors to levy tax.

deemed, as hereinafter provided, and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest of the bonds herein provided. And in the year eighteen hundred and eighty-five, and annually thereafter, in addition to the tax for the payment of interest as aforesaid, a tax not exceeding ten cents on each one hundred dollars of taxable property in said county shall be levied as aforesaid, to create a fund for the final redemption of the principal of said bonds at the time when they shall become due; and any money so received by taxation shall not be applied or used for any other purpose than as herein provided. The money raised by taxation as last aforesaid, by virtue of this Act, shall be set apart and shall be called the Sinking Fund of Tehama County.

Sinking
Fund

Treasurer to
advertise for
surrender of
bonds.

SEC. 5. On the first day of February, eighteen hundred and eighty-six, and every year thereafter, whenever there remains in the Sinking Fund five hundred dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county, for the space of three weeks, for sealed proposals for the surrender of said bonds. And after the expiration of the time of publication the Treasurer shall open the sealed proposals in presence of the County Auditor, and shall pay and liquidate the bonds presented for redemption, always accepting in preference the lowest offers thus presented; *provided*, that the same shall not be more than their par value; *and provided*, if no such proposal shall be made, then the Treasurer shall advertise the amount of money in the Sinking Fund, and the number of the bond or bonds to be redeemed, to the extent of the money in the fund, taking the bonds in the order of their number outstanding, after which time such bond or bonds shall cease to bear interest.

Record of
proceedings

SEC. 6. The County Treasurer shall keep a full and particular account and record of his proceedings under this Act, and of the bonds issued, sold, surrendered, and redeemed, and on the first day of March of each year file an abstract thereof, for the preceding twelve months, with the County Auditor.

Interest on
bonds, when
paid.

SEC. 7. It shall be the duty of the County Treasurer to pay the interest on said bonds, when the same falls due, out of the money appropriated for the payment of interest thereon; and if said money is not sufficient for said purpose, then to pay the deficiency out of the General Fund.

Compensa-
tion of
Auditor and
Treasurer.

SEC. 8. The Auditor and Treasurer shall be paid a reasonable compensation for their services, which, together with the expenses of providing suitable bonds and of advertising, shall be allowed and paid as other claims against the county are paid.

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

CHAP. XCIX.—*An Act to amend an Act entitled an Act concerning lawful and partition fences in Modoc County, approved March thirteenth, eighteen hundred and seventy-four.*

[Approved February 25, 1876.]

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

SECTION 1. Section second of an Act entitled an Act concerning lawful and partition fences in Modoc County is amended to read as follows: Section 2. Lawful fences are described as follows:

Description
of lawful
fences.

First—If made of stone, three and one-half feet high, three feet base and one foot thick on the top, and well laid.

Second—If it be a worm fence, the rails should be well laid, and at least five feet high.

Third—If made of post and boards, the posts must be set well in the ground, not less than eighteen inches, and not further apart than eight feet. If intended to turn all stock, it shall be constructed of five boards, six inches wide and one inch thick, or four such boards, with a ditch and embankment equal to one such board, or four boards each eight inches wide and one inch thick, nailed securely to the posts; the top of the fence, when constructed, to be at least four and one-half feet from the ground, and the spaces well divided. If intended as a lawful fence, to turn only neat cattle, horses, and mules, a three-board fence shall be sufficient, the bottom board to be two feet from the ground.

Fourth—If made of pickets, posts, and rails, or posts and poles, ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

Fifth—If made of wire, post and poles, ditch, pickets, hedge, brush, or of any other materials, or any combination of such fences or materials, the fence, to be lawful, must equal, in strength and capacity to turn stock, as the fences described in the third subdivision of this section.

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

CHAP. C.—*An Act granting power to the Judge of the Municipal Criminal Court of the City and County of San Francisco to call in a County Judge to preside, under certain circumstances.*

[Approved February 25, 1876.]

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

SECTION 1. The Judge of the Municipal Criminal Court of the City and County of San Francisco is hereby authorized and empowered, in the event of his inability, from sickness, or other just and legal cause, to serve, to call in the

When
County
Judge may
preside.

County Judge of said county to preside in his stead. Should said County Judge, from any cause, be unable to preside, then the Judge of the Municipal Criminal Court shall designate a County Judge of a neighboring county to so preside. The County Judge so designated and serving instead of the Municipal Judge shall perform any and all of the duties, hear, try, adjudicate, and determine all causes and matters as are authorized and permitted to said Judge of the Municipal Criminal Court.

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

CHAP. CI.—*An Act to authorize and direct the County Treasurer of Tulare County to pay certain orders drawn on him by the Road Commissioner of said county.*

[Approved February 25, 1876.]

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

SECTION 1. All orders drawn on the County Treasurer of Tulare County by the Road Commissioner thereof, in pursuance of the provisions of an Act of the Legislature of the State of California, entitled "An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare," approved March sixth, eighteen hundred and seventy-four, and which orders have in fact been approved by the Board of Supervisors of said county, and thereafter presented to said County Treasurer for payment, and by him indorsed "not paid for want of funds," are hereby declared to be legal and binding upon said county, notwithstanding no record of such approval has been made or approved by the said Board of Supervisors, and the said County Treasurer is hereby authorized and directed to pay said orders in the order of their presentation to him, in all respects as if a record of such approval had been duly made and authenticated at the time said orders were presented for payment to said Treasurer.

SEC. 2. The signature of the then Chairman of the Board of Supervisors of said county, written on the face of any such order prior to the time the same was presented to such Treasurer for payment, shall be prima facie evidence that such order was in fact approved by said Board of Supervisors prior to such presentation.

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

Certain
orders
declared
legal.

Same.

CHAP. CII.—*An Act to enable the Board of Trustees of the City of Sacramento to pay certain indebtedness contracted for street repairs in the said city.*

[Approved February 25, 1876.]

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

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized and required to levy a special tax, not exceeding three cents upon each one hundred dollars of all the taxable property in said city, for the purpose of paying to Philip Scheld the sum of two hundred and seventy-four dollars and fifty cents; to Fountain Brothers the sum of one hundred and thirty-five dollars; to Ryan & Miller the sum of twelve hundred and sixteen dollars and twenty-five cents; to Friend & Terry the sum of seven hundred and sixty-one dollars and thirteen cents; to John Ryan the sum of four hundred and ninety-seven dollars and seventy cents; to the estate of P. Callahan the sum of four hundred and eighty-one dollars and fifty cents; and to Turton & Knox the sum of eighteen dollars, with interest on said sums from the time when they respectively became due until paid, at the rate of ten per cent. per annum.

Special tax to pay certain indebtedness.

SEC. 2. Said tax shall be levied at the same time and collected in the same manner as the regular annual taxes of said city are levied and collected. The surplus, if any, arising from said tax, shall be paid into the Street Fund of the city; but should the amount realized from said tax be insufficient to pay said sums and interest, the deficiency shall be paid out of said Street Fund.

Time and manner of levying.

SEC. 3. This Act shall take effect and be in force from the date of its passage.

CHAP. CIII.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved February 28, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco, is hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, the following sums, which have heretofore been allowed and ordered paid by said Board, in excess of the respective allowances provided by law, to wit: First—For the Industrial School Department, the sum of fourteen thousand dollars. Second—For the City and County Hospital

Supervisors to issue certain warrants.

and Almshouse, the sum of twenty-two thousand five hundred dollars. Third—For Small-pox Hospital, the sum of three thousand dollars. Fourth—For running expenses of Fire Department, the sum of seven thousand dollars. Fifth—For repairs to public buildings, the sum of ten thousand dollars. Sixth—For advertising and election printing, the sum of twenty thousand dollars. Seventh—For inclosing and improving public grounds, the sum of ten thousand dollars. Eighth—For purposes of urgent necessity, the sum of forty thousand dollars. Ninth—For special counsel, the sum of five thousand five hundred dollars. Tenth—For Street Department Fund, the sum of sixty-five thousand dollars; *provided*, that nothing contained in this Act shall be construed as increasing hereafter the annual appropriations allowed by law for the maintenance of the municipal government of the City and County of San Francisco, and the Board of Supervisors thereof shall not hereafter allow, in any one month, any demand or demands against any funds in the treasury of said city and county, to a greater amount than one-tenth part of the sum or sums allowed by law to be expended annually by said Board, and the Auditor shall not audit, nor the Treasurer pay, or in any manner register, recognize, or take official notice of any appropriation or allowance made in contravention of this section. Eleventh—To pay the claim of Mary Dowd, the sum of one thousand dollars.

Monthly allowances.

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

CHAP. CIV.—[See volume of *Amendments to the Codes*.]

CHAP. CV.—*An Act supplemental to an Act entitled "An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved February 28, 1876.]

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

Supervisors to fill certain lots, streets, and street crossings.

SECTION 1. For the purpose of more effectually securing the sanitary purposes of the Act to which this Act is supplemental, and of abating the nuisance created by the present condition of the lands hereinafter referred to, the Board of Supervisors of the City and County of San Francisco are

authorized to proceed, immediately after the passage of this Act, to fill the lots referred to in subdivision four of section two of the Act to which this Act is supplemental, including streets and street crossings, with earth or rock, so that the surface when filled shall be not less than the following height, namely: At Eighteenth Street, seven and a half ($7\frac{1}{2}$) feet above ordinary high tide, and from thence descending with a uniform slope to a level at Seventeenth Street of six and seventy one-hundredths ($6\frac{70}{100}$) feet above ordinary high tide; from thence continuing with a uniform level surface to a level at Fifteenth Street of six and seventy one-hundredths ($6\frac{70}{100}$) feet above ordinary high tide; from thence descending with a uniform slope to a level at Fourteenth Street of six and twenty one-hundredths ($6\frac{20}{100}$) feet above ordinary high tide; and from thence descending upon a uniform slope to a point in the westerly line of Ninth Street extended at a level of three and a half ($3\frac{1}{2}$) feet above ordinary high tide; the surface between said streets to correspond with the said levels of said streets, and to run or descend, as the case may be, with a uniform surface as above indicated, to be determined in case of doubt by the City and County Surveyor. Proposals for such filling shall be invited by notice signed by the Clerk of the Board of Supervisors, and inserted in two of the daily newspapers published in said City and County of San Francisco for a period of twenty days, specifying the work to be done and the time within which it is to be finished, which shall not be more than twelve months from the letting of the contract. Bidders shall specify in their proposals the gross sum for which they are willing to do the entire work, and separately the sums for which they are willing to do the filling between each street, including crossings. Security shall be required to be given by each bidder for a compliance with the terms of his bid in case of its acceptance by the Board of Supervisors, either by certified check or bond, as shall be ordered by said Board, and the works may be let in one contract or in sections, to the same bidder or to different bidders, as may be judged most for the interest of the city and county. The bid which is the lowest, made by a responsible bidder, shall be accepted, and the contract for the work shall be executed by the Superintendent of Streets and Highways on the part of the city and county, and by the contractor, with sureties, as may be required by said Board.

Proposals,
notice of,
how given.

Security
required.

SEC. 2. The expense of such filling shall be paid out of the General Fund of said city and county, and as soon as such filling is completed said Board shall proceed to advertise and sell said lots at auction to the highest bidder; the purchase money to be paid one-half in cash and one-half in twelve months from the day of sale, and all payments to be made in gold coin of the United States. Notice shall be given of said sale by advertisement for not less than twenty days, in three daily newspapers published in said city and county; and the proceeds of such sale shall be paid into the General Fund of said city and county, as provided in the Act to which this Act is supplemental. In case any purchaser fails to make

Expenses,
how paid.

Notice to be
given.

the said deferred payment within twelve months after such sale, the lot so purchased, and the payment made thereon, shall be forfeited, and such lot may be immediately resold in the same manner as before; *provided, however*, that if in the judgment of the Mayor of said city and county the price offered at such sale shall be inadequate, it shall be in his power to withdraw such lot or lots from sale, and to order the same resold, upon the same terms, and after the same notice herein provided, and again to withdraw the same, and as often as in his judgment the interest of said city and county require.

Payment
forfeited.

Lots with-
drawn from
sale.

Deeds

SEC. 3. Deeds of all lots for which full payment has been made shall be executed by the Mayor of said city and county, and shall be prima facie evidence of title in the purchaser to the lots sold and conveyed.

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

SEC. 5. This Act shall take effect immediately.

CHAP. CVI.—*An Act for the relief of the widow and family of the late James W. Mandeville, Controller of the State of California.*

[Approved February 28, 1876.]

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

Appropriation
for
relief.

SECTION 1. The sum of four thousand dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the relief of the widow and family of the late James W. Mandeville, Controller of the State, and the Controller is hereby authorized to draw his warrant in favor of Mrs. J. W. Mandeville for said sum, and the Treasurer is authorized and directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAP. CVII.—[See volume of *Amendments to the Codes.*]

CHAP. CVIII.—*An Act to provide for the payment of outstanding claims for the support of public schools in Mendocino County.*

[Approved February 28, 1876.]

Preamble.

WHEREAS, There is outstanding and unpaid in the County of Mendocino, for the support of public schools, for the school year ending June thirtieth, eighteen hundred and

seventy-four, in certain of the school districts of said county, as follows, to wit: Ukiah District, nine hundred and four dollars and forty-four cents; Big River District, six hundred and sixty-four dollars and eleven cents; Casper District, four hundred and thirty-five dollars and thirty cents; Counts District, four hundred and twenty-four dollars and forty-seven cents; Little Lake District, eighty-four dollars and eighteen cents; Nevarra District, two hundred and sixty-three dollars and four cents; Ten-mile River District, thirty-nine dollars; Willittsville District, one hundred and sixty-three dollars and fifty-six cents; Manchester District, fifteen dollars; and Eel River District, fifty-eight dollars and thirty-seven cents;

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

SECTION 1. There shall be held in Big River, Casper, Counts, Nevarra, and Willittsville School Districts, on the first Monday in May, eighteen hundred and seventy-six, an election, by the electors of such districts, for one Assessor and one Collector in each of said districts. It shall be the duty of the Assessor so elected to assess the taxable property of the school districts for which they shall have been elected, at its actual cash value, and to return the assessment rolls to the Boards of Trustees of said districts within thirty days after their election, and thereupon it shall be the duty of the Trustees of said districts to levy a tax upon the property described and listed upon said rolls, at a rate sufficient to raise the amount standing against each district in this section mentioned as above, and herein shown, together with the cost of assessing and collecting the same.

Election for Assessor and Collector.

Duty of Assessor.

SEC. 2. It shall thereupon be the duty of the Collectors so elected to collect the taxes so assessed and levied, within thirty days after the receipt by them of the assessment roll.

Collection of taxes.

SEC. 3. The Assessors and Collectors elected under the provisions of this Act shall be governed, in the performance of their duties, by the provisions of the Political Code relating to the assessment and collection of taxes for State and county purposes, and all moneys received by such Collectors shall be paid by them to the County Treasurer of said county, to the credit of the school district for which the same is collected, within ten days after the same shall have been so collected, which moneys shall constitute and be a separate fund, to be known as the "Outstanding School Fund" of the district to which the same may belong.

Outstanding School Fund.

SEC. 4. It shall be and hereby is made the duty of the Superintendent of Public Schools of said county, to draw his warrants, after said moneys shall have been so collected and paid in, upon the County Treasurer, in favor of the persons entitled to the same, the holders and owners of said claims against the districts mentioned in section one, said warrants to be drawn upon, and paid out of the fund aforesaid of the proper districts.

Superintendent to draw warrants.

SEC. 5. It shall be, and is hereby made the duty of the

Treasurer to pay same. Superintendent of Public Schools of said county, immediately after the passage of this Act, to draw his warrants upon the County Treasurer of said county, in favor of the persons entitled to the same, for the amounts due as shown above, in Ukiah, Little Lake, Ten-mile River, Manchester, and Eel River School Districts, and it is hereby made the duty of the County Treasurer of said county to pay such warrants from any moneys received by him for State and county apportionments, for the school year ending June thirtieth, eighteen hundred and seventy-six, to the credit of the district, upon the fund of which warrants may be so drawn; *provided*, that any moneys so received from the State for said year shall only be used in payment of claims for teaching.

Compensation and bonds of Assessors and Collectors. SEC. 6. The Assessors and Collectors elected under the provisions of this Act shall be paid the sum of three dollars per day, while actually engaged in the performance of their duties, out of said "Outstanding School Fund" of the district for which they shall have been elected, and shall take the constitutional oath of office, and give bonds in accordance with the law, in such sum as may be fixed by the Board of Trustees of the district for which they may be elected, to be approved by such Board, all before entering upon the discharge of their duties.

Code to govern elections. SEC. 7. The elections herein provided for shall be held under, and the officers of such elections shall be governed by, the provisions of the Political Code relating to school elections.

One person as Assessor and Collector. SEC. 8. At any election held under the provisions of this Act, it shall be lawful for the same person to be elected to and fill the office of both Assessor and Collector.

Surplus moneys. SEC. 9. If, after the redemption of the warrants drawn upon said fund as herein provided, any balance remain in said fund to the credit of any of the districts mentioned in section one, or if any of such warrants should not be presented for payment to the County Treasurer on or before December thirty-first, eighteen hundred and seventy-six, in either event, the amount then remaining, if any, shall be by said Treasurer passed to the credit of the school district for which the same shall have been collected.

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

CHAP. CIX.—*An Act regulating certain township offices in the County of Calaveras.*

[Approved February 28, 1876.]

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

One Justice and Constable for each township

SECTION 1. On and after January first, in the year one thousand eight hundred and seventy-eight, there shall be but one Justice of the Peace and one Constable in each of

the townships of the County of Calaveras; and at the time provided by law for electing Justices of the Peace and Constables, there shall hereafter be but one Justice of the Peace and one Constable elected in and for each township in said County of Calaveras.

SEC. 2. When the Justice or Constable of any township is a party to an action, the action may be commenced in any other township in the county. Disqualification of Justices.

SEC. 3. When the Justice or Constable of any township is a party to any proceedings under the Penal Code, all such proceedings may be had in any other township in the county. Same.

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

CHAP. CX.—*An Act to authorize the corporation, the Mayor, and Common Council of the City of Los Angeles to issue bonds and to provide means for the improvement of irrigation in said city.*

[Approved February 28, 1876.]

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

SECTION 1. For the purpose of building dams and reservoirs, constructing proper and suitable zanjias, and irrigating canals, and improving the same, or those now in use; for the purpose of developing and utilizing water for irrigation, and for improving the system of irrigation in said city, or for either of said objects, the Common Council of the corporation known as the Mayor and Common Council of the City of Los Angeles is hereby authorized and empowered, for and in the name and in behalf of said City of Los Angeles, to issue bonds of said city to any amount that the Common Council may see fit, not exceeding the sum of seventy-five thousand dollars; to sell the same and appropriate the money received therefor to any or all of the purposes above enumerated. Common Council to issue bonds.

SEC. 2. Each bond shall be issued in such an amount as the Common Council shall determine, not exceeding the sum of one thousand dollars, and shall be signed by the Mayor of said city, the Clerk of the Common Council, and the City Treasurer of said city, and have the corporate seal affixed thereto. The principal sum of said bonds shall be payable out of the fund hereinafter created, twenty years from and after the first day of April, A. D. one thousand eight hundred and seventy-six, and at the office of the Treasurer of said city, in said City of Los Angeles. Each bond shall bear interest at the rate of seven per cent. per annum, payable out of said fund semi-annually, viz: on the first day of January and the first day of July of each year, at the office of said City Treasurer; and to provide therefor, shall have Bonds, when payable.
Interest.

coupons attached in the usual form thereto, which coupons shall be signed by the City Treasurer.

Irrigation
Improve-
ment Fund.

SEC. 3. That there be and hereby is created a fund in said city, to be known and called the Irrigation Improvement Fund. All moneys received from the sale of the bonds hereby authorized to be issued shall be paid to the City Treasurer, and by him placed to the credit of said fund, and shall be disbursed by him upon warrants drawn as provided by law for the drawing of other city warrants, and for such purposes as the Common Council are hereby authorized to issue said bonds. For the purpose of paying the interest on said bonds as it may accrue, and providing for the gradual or ultimate redemption of the bonds so issued, the authorities of said city shall annually, so long as required, at the same time and in the same manner as other municipal taxes are assessed, levied, and collected, assess, levy, and collect a special tax, not exceeding one-half of one per cent., upon all the taxable property within the limits of said city, and pay the same, when collected, into said fund. The Common Council of said city is hereby authorized, if it so desire and determine, to transfer from the fund known as the Water Fund, or any other fund of said city into which the proceeds of the sales of water for irrigation are now or may hereafter be payable, to the credit of said Irrigation Improvement Fund, all or so much thereof as the Common Council may see fit, of such moneys in said Water Fund or other fund above referred to.

Special tax.

Transfer of
funds.

Proposals for
redemption
of bonds.

SEC. 4. Whenever, on the first day of February of each year, there shall be in the said Irrigation Improvement Fund a sum of money amounting to five thousand dollars, or over, and in excess of the amount that will be required to pay the semi-annual interest on said bonds so issued and falling due on the first day of July thereafter, as hereinbefore provided, the Common Council may, if it so desire, order the City Treasurer of said city to advertise for proposals to redeem the bonds hereby authorized to be issued. The Common Council may make such other and further provision for the sale of the bonds and the redemption thereof, not in conflict herewith, as it may see fit, and shall have at all times the right to reject any and all bids, either for the purchase or redemption of said bonds before maturity.

Disposition
of surplus
funds.

SEC. 5. Whenever, at any time after the whole of the principal and interest of the bonds issued in pursuance of this Act shall have been fully paid and discharged, there shall be a balance of money to the credit of the said Irrigation Improvement Fund, the Common Council of said city is hereby authorized to transfer such balance to any other fund of said city, and disburse the same for other municipal purposes.

SEC. 6. This Act shall take effect immediately.

CHAP. CXI.—*An Act to fix the compensation of the County Clerk of Humboldt.*

[Approved February 28, 1876.]

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

SECTION 1. The County Clerk of Humboldt shall receive, for all services required of him as County Clerk and ex officio Clerk of the District Court, Probate Court, Board of Supervisors, Board of Equalization, Auditor, and ex officio County Recorder, a salary of five thousand dollars per annum, which salary shall be in full for all services required of and performed by him, and it shall be paid monthly out of the county treasury. He shall collect and safely keep all fees of whatever kind or nature allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month, shall pay the same over to the County Treasurer of said county, and at the same time shall make out and file with said Treasurer a full and accurate statement, under oath, of all fees, of whatever kind or capacities, for the preceding month.

Compensation.

Fees to be paid into Treasury.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-eight. And all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. CXII.—*An Act to fix the compensation of the Assessor of Inyo County.*

[Approved February 28, 1876.]

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

SECTION 1. The salary of the Assessor of Inyo County shall be twelve hundred dollars (\$1200) per annum.

Salary.

SEC. 2. In case of any disability whatsoever, whereby the Assessor is personally unable to perform the duties of his office, he shall be required, at his own expense, and without additional cost to the county, to appoint a deputy, to act in his stead.

Deputy.

SEC. 3. Whenever in the judgment of the Board of Supervisors it shall appear that the duties of the office of Assessor are greater than the Assessor himself, or his own deputy, acting in his stead, can fully and properly perform, within the time prescribed by law, the Board must allow the Assessor one or more deputies, to be appointed by him, at such compensation as the Board, in its discretion, may allow;

Same.

provided, that said compensation shall not exceed five dollars (\$5) per diem.

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

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

CHAP. CXIII.—*An Act to extend the time in which Swamp Land District Number One Hundred and Twenty-five shall complete its work of reclamation.*

[Approved February 29, 1876.]

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

Extension of
time for
reclamation.

SECTION 1. The time in which Swamp Land District Number One Hundred and Twenty-five, Fresno County, is required to complete its work of reclamation, in accordance with an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight, is hereby extended for a period of two years from the first day of August, A. D. eighteen hundred and seventy-six.

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

CHAP. CXIV.—*An Act to establish water rates in the City and County of San Francisco.*

[Approved March 1, 1876.]

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

Water Com-
missioners to
fix rates.

SECTION 1. There shall be appointed, in the manner hereinafter provided, a Board, to be called the "Board of Water Commissioners of the City and County of San Francisco," to consist of five members, whose duty it shall be to determine and fix, annually, the rates at which pure fresh water shall be furnished by any individual, company, or association engaged therein, or which may hereafter engage in the business of supplying water to the inhabitants of the City and County of San Francisco.

Mayor to ap-
point Com-
missioners.

SEC. 2. Within thirty days after the passage of this Act, the Mayor of the City and County of San Francisco shall appoint, subject to the confirmation of the Board of Supervisors, five citizens of good repute, not interested in water companies nor in water rights, to act as Water Commissioners, who shall hold their office during the pleasure of said Board

of Supervisors from the date of their confirmation and until their successors are qualified.

Terms of office.

SEC. 3. The Board of Supervisors shall vote *viva voce* on the confirmation of each member of the Board of Water Commissioners, and a majority of the whole number of the former shall be necessary to a confirmation.

Confirmation of Commissioners.

SEC. 4. The Commissioners, before entering upon their duties, shall take and subscribe an oath or affirmation that they will faithfully perform such duties and establish such rates as shall be just and reasonable to the consumer, which rates shall be confirmed by ordinance of the Board of Supervisors before taking effect; and it shall be the duty of any individual, company, or association engaged in, or who may hereafter engage in the business of supplying water to the inhabitants of San Francisco, to furnish the same at the rates which may be established under the provisions of this Act; *provided*, that no charge shall be made for water required for municipal purposes in cases of great necessity.

Commissioners to fix rates.

SEC. 5. The Board of Water Commissioners shall keep an office in some convenient locality, to be designated by the Board of Supervisors, and the Clerk of the Board of Supervisors shall be the Clerk of said Board of Water Commissioners, at a salary of one thousand dollars per annum in addition to his present salary (payable out of the General Fund of said city and county), who shall keep a record of the proceedings of the Board, which shall be open to the inspection of any citizen desiring to examine the same. He shall also keep a journal, in which shall be entered the complaint of any tax-payer regarding the quality or quantity of water furnished to him by any individual, company, or association supplying water under the provisions of this Act. The Board of Supervisors are hereby fully authorized and empowered, by order or resolution, to fix the penalty to be imposed on any individual, company, or association neglecting or refusing to furnish the quantity or quality of water to any consumer at the rates established by the said Board of Water Commissioners, to be collected in any Court of competent jurisdiction, at the suit of the City and County of San Francisco.

County Clerk to be Clerk of Board.

Duties of Clerk.

Water companies liable to consumers.

SEC. 6. The Board of Water Commissioners shall ascertain, from actual inspection by some of their members, that a constant supply of water is maintained in the reservoirs, mains, and pipes, to meet the ordinary wants of the inhabitants of the city and county, and the emergencies produced by fire, or for hygienic purposes.

Commissioners to inspect reservoirs.

SEC. 7. The Board of Supervisors of the City and County of San Francisco are hereby fully authorized and empowered to determine and establish, by order or resolution, the size of the pipes or mains to be laid down in the streets, highways, public squares, and parks of said city and county, and to regulate the pressure and amount of water to be kept flowing in and through said pipes and mains at all times, and to fix and determine the fine to be imposed, not exceeding five hundred dollars, for any violation of the provisions of this section, at the suit of the City and County of San Francisco,

Supervisors empowered to establish size of pipe, and regulate water pressure.

Fines.

to be collected in any Court of competent jurisdiction; and every day's failure to maintain a proper supply of water to meet the public requirements shall be deemed a new offense, and punished accordingly; and all fines collected for a violation of the provisions of this Act, and of the orders passed by the Board of Supervisors to carry out its provisions, shall be paid into the city and county treasury.

No compensation.

SEC. 8. The Water Commissioners shall be allowed no compensation for their services.

SEC. 9. This Act shall take effect and be in force from and after its passage; and all Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAP. CXV.—*An Act to regulate fees of office, and to fix the compensation of certain officers in the County of Contra Costa.*

[Approved March 2, 1876.]

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

SECTION 1. Fees are allowed to be charged and received by the officers in Contra Costa County, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same in gold and silver coin of the United States.

Fees of Clerk, District Court

SEC. 2. Fees of the County Clerk, as Clerk of the District Court: At the commencement of each suit the Clerk shall be entitled to demand and receive from the party or parties commencing the suit, a fee of ten dollars, to cover the costs in the case up to the entry of judgment, and the Clerk may also demand and receive from the party in whose favor the judgment shall be ordered, in civil cases, all costs in the case which remain due and unpaid, including costs of entry of judgment, before the judgment shall be entered by him. For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the trial, fifty cents. For issuing every writ or process, under seal, forty cents. For issuing each subpoena, twenty cents. For filing each paper, ten cents. For entering every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty cents. For entering every cause on the calendar, and making a copy thereof for the members of the bar, for each time, twenty cents. For calling and swearing a jury, forty cents. For receiving and entering a verdict of a jury, twenty-five cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For filing a judgment roll, twenty-five cents. For each entry of judgment on the judgment docket, twenty-five cents. For each entry of satisfaction of judgment, twenty-five cents. For administering every oath or affirmation,

fifteen cents For certifying every oath or affirmation, fifteen cents. For copy of any proceeding, record, or paper, for each folio, fifteen cents. For every certificate, under seal, forty cents. For issuing commission to take testimony, forty cents. For taking down testimony during a trial—to be paid by the party requiring it—for every folio, fifteen cents. For issuing every execution, or other final process, under seal, forty cents. For issuing every copy of decree, or order of sale, for each folio, fifteen cents. For receiving and filing every remittitur from the Supreme Court, and making the necessary entrance thereof, forty cents. For approval and justification of each bond required by law, forty cents. For taking testimony in justification of sureties, per folio, fifteen cents. For acknowledgment of deeds or other instruments, including certificate and seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For indexing every suit in the District Court in general index, fifty cents. For filing papers and making the necessary entries on transfer of cases from other Courts, including indexing, two dollars. For transmission of files, or transfer of causes to other Courts, including certificate of order of transfer, two dollars. For searching records or files, for each year, except for suitors or their attorneys, twenty-five cents. In criminal actions, tried in the District Court, the Clerk shall receive, when collected from the defendant, for the trial of each issue, when the charge is felony, three dollars; and for the trial of each issue, when the charge is misdemeanor, three dollars.

Fees of Clerk, District Court.

FEEES OF CLERK OF COUNTY COURT.

SEC. 3. For filing all papers in suits on appeal from a Justice's Court, in civil actions, and making the necessary entries in each cause, one dollar. For all other services the same fees as are allowed in the District Court for like services.

Same, County Court.

FEEES OF CLERK OF PROBATE COURT.

SEC. 4. The issuing letters testamentary or of administration, forty cents. For all certificates under seal, twenty-five cents. For writing and posting notices, for each copy, twenty-five cents. For recording wills, decrees, and all other instruments required by law to be recorded, for each folio, fifteen cents. For filing each paper (except receipts), ten cents. For copies of papers, when required, for each folio, fifteen cents; for issuing each notice for publication, twenty-five cents. For all other services, the same fees as are allowed the Clerk of the District Court for like services.

Same, Probate Court.

FEEES OF COUNTY CLERK.

SEC. 5. For issuing marriage license, one dollar. For drawing affidavits, depositions, or other papers, per folio, fifteen cents. For filing transcript of judgments of Justices' Courts, for docketing the same and issuing execution thereon, two dollars; for each additional execution, when more than

Same, County Clerk.

one has been issued, fifty cents. For recording certificates of incorporation, when recording is necessary, and is required by law, for each folio, fifteen cents. For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, fifteen cents. For issuing writ of habeas corpus, and all services in relation to the same, two dollars.

FEES OF COUNTY RECORDER.

Fees of Recorder.

SEC. 6. For recording every instrument, paper, or notice, per each folio, fifteen cents. For copies of any record or paper, per folio, fifteen cents. For filing every instrument for record, and making the necessary entries thereon, twenty cents. For indexing every instrument, paper, or notice, as required by law, and for each name required to be indexed, ten cents. For every certificate under seal, forty cents. For every release of mortgage or other instrument on the margin of the records, and indexing the same, fifty cents. For searching records on file in his office, for each, when required, twenty-five cents. For abstract or certificate of title, when required, for each conveyance or incumbrances certified, twenty-five cents. For recording every town plat, for every course, ten cents. For figures and lettering plats and maps, fifteen cents per folio; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, one dollar. For filing and keeping each paper not required to be recorded, twenty-five cents. For recording transcript and all other services in estray cases, one dollar. For recording brands and marks, fifty cents.

FEES OF SHERIFF.

Fees of Sheriff.

SEC. 7. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For taking a bond or undertaking in any case where he is authorized to take the same, fifty cents. For a copy of any writ, process, or other paper, when demanded or required by law, for each folio fifteen cents; *provided*, that he shall not be entitled to any fee for copies of pleadings or original papers served by him, when such copies have been furnished him by the Clerk, or person requiring the service to be made. For serving every notice, rule, order, or subpoena, on each person served, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or for the delivery of personal property, one dollar and fifty cents. For serving an attachment on any ship, boat, or vessel in proceedings to enforce any lien thereon, created by law, one dollar and fifty cents. For keeper's fees while such ship, boat, or vessel is in

the actual custody of the Sheriff, per day, three dollars, together with such further necessary expenses, resulting from such custody, as are supported by the oath of the officer making such service, and as shall be allowed by the Court. For selling any boat, vessel, or tackle, apparel or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution. For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar. For commissions for receiving and paying over money on execution or other process, when lands or personal property have been levied upon and sold, on the first one thousand dollars or sums less than one thousand dollars, two per cent.; on all sums above one thousand dollars and not exceeding twenty thousand dollars, one and one-half per cent.; on all sums above twenty thousand dollars, one per cent. For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, on all sums less than one thousand dollars and not exceeding one thousand dollars, one and one-half per cent.; for all sums above one thousand dollars and not exceeding twenty thousand dollars, one per cent.; on all sums above twenty thousand, one-half of one per cent. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting money on execution, shall be collected from the judgment debtor, by virtue of the execution, in the same manner as the judgment shall be therein directed to be paid; *provided*, that when the judgment creditor purchases property sold on execution in satisfaction thereof he shall pay the Sheriff his fees before any certificate of sale shall be issued or satisfaction entered. For drawing and executing a Sheriff's deed, to include acknowledgment, to be paid by the grantee, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of the premises and removing the occupant, three dollars. For holding each inquest or trial of the right of property, to include all services in the matter except mileage, three dollars. For summoning a trial jury in any civil case, two dollars. For traveling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, or subpoena, venire, attachment on property, or to levy on execution, or to execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on habeas corpus, for each mile necessarily traveled, in going only, he shall receive twenty cents per mile; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged; *and provided also*, in serving a subpoena or venire, when two or more persons or witnesses live in the same direction, traveling fees shall be charged only for the more distant. For all services in Justices' Courts the same fees as are allowed to Constables. For

Fees of
Sheriff.

Fees of Sheriff.

delivering a prisoner at the State Prison, fifty cents per mile one way, for the distance established by law from the county seat of this county to the prison; and for every additional prisoner taken at the same time, twenty-five cents per mile. For delivering an insane person at the Insane Asylum, fifty cents per mile one way, for the distance established by law from the county seat of his county to the asylum; and for every additional insane person taken at the same time, twenty-five cents per mile. For keeper's fees, for holding personal property under attachment or execution, not exceeding three dollars per day, together with actual expenses necessarily incurred in keeping the same, to be fixed and allowed by the Court.

FEEES OF NOTARIES PUBLIC, AND COURT COMMISSIONERS, AND JUSTICES OF THE PEACE.

Fees of Notaries, Court Commissioners, and Justices.

SEC. 8. For taking and certifying depositions or testimony, when taken upon notice, or upon an order of reference upon the trial of a civil action, fifteen cents per folio, which shall include summoning of witnesses and taking and certifying the deposition.

FEEES OF JUSTICES OF THE PEACE.

Concerning Justices.

SEC. 9. Justices of the Peace in the County of Contra Costa shall be entitled to charge and receive, for services performed by them, as prescribed in section nineteen of an Act entitled "An Act to regulate fees of office," approved March twenty-eighth, eighteen hundred and sixty-eight.

FEEES OF CONSTABLES.

Fees of Constables.

SEC. 10. Constables in the various townships of Contra Costa County shall be entitled to charge and receive fees for their services which are prescribed in section twenty of an Act entitled "An Act to regulate fees of office," approved March twenty-eighth, eighteen hundred and sixty-eight.

FEEES OF DISTRICT ATTORNEY.

Fees of District Attorney.

SEC. 11. For each conviction of felony, twelve dollars. For each conviction of misdemeanor, ten dollars, which fees shall be taxed as costs against the defendant in case of conviction, and be collected from the defendant if the same can be made on execution. For all collections on bonds or forfeited recognizances, ten per cent. on the amount of the judgment, to be taxed as costs. For services rendered in the collection of delinquent taxes for State, county, district, or municipal purposes, fifteen per cent. on the amount recovered, to be taxed in and become a part of the judgment and be collected in the same manner; *provided*, that in no one case shall such compensation exceed five hundred dollars. The District Attorney shall, when requested by the Board of Supervisors, furnish, without charge to the Board, his written

opinion upon any question of law involved in any matter pending before the Board in which the county or State is interested.

SEC. 12. The officers named shall receive no other fees for any service performed by them in any action or proceeding, or for the performance of any services for which fees are allowed, than the fees specified in this Act, and any of such officers demanding or receiving any fees not herein allowed, shall be made liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs, to be recovered in any Court of competent jurisdiction, and such officer may be also prosecuted for a misdemeanor therefor.

Officers not to receive other fees.

SEC. 13. The fees herein allowed shall be payable, and shall be collected at the time the services are rendered, and any officer, when not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due from the person applying, until such fees are paid; *provided*, that fees in criminal cases, and causes in which the people of the State, or the County of Contra Costa, or any school district or road district in the county, is a party plaintiff, the fees of the officers herein named shall not be payable in advance, but shall be taxed in the judgment, and collected as a part thereof; *and provided further*, that in proceedings had in relation to the settlement of estates of deceased persons, and in relation to the guardianship of infant children, fees shall not be payable in advance, but shall be collected and paid from time to time during the progress of such proceedings, under direction of the Court, and before any of the money or property of such estates shall be paid to creditors, or distributed to the heirs or devisees, and before any of such proceedings shall be removed from one Court to another, or from the county; *and provided further*, that the fees of the officers who may be entitled to charge and collect fees for the arrest and examination and commitment to the asylum of insane persons, shall not be payable in advance, but when such insane person shall be adjudged by the officer committing to the asylum to be able to bear the actual expenses for the time such person may remain in the asylum, the guardians of such insane person shall pay such fees as other charges and expenses incurred by such person shall be paid.

Manner of collecting fees.

SEC. 14. Every officer entitled to charge and receive fees under the provisions of this Act shall prepare and set up in his office, in a conspicuous place, a plain table of his fees as prescribed in this Act, within two months after this Act takes effect, for the inspection of all persons having business with such officers.

Officers to display rates of fees.

SEC. 15. When, by law, any publication is required to be made by an officer of any process, notice, order, or decree, the costs of the publication thereof, if demanded, shall be tendered by the party requiring such publication, before the officer shall be required to make such publication.

Publication, costs of, how paid.

SEC. 16. If the Clerk or Sheriff shall not have received any fees due him for services rendered in any suit or proceeding, he may have execution therefor in his own name

Clerk and Sheriff may recover fees.

against the party from whom they are due; such execution may issue upon the order of the Court made in such action or proceeding, on application of such officer. Such order may be made without notice, upon the certificate of the officer showing the amount of fees due, and from whom due, and such execution may be enforced against the party in the same manner as if issued upon final judgment.

Folio defined.

SEC. 17. The term "folio," when used in this Act, signifies one hundred words, counting every figure necessarily used as a word; fractions of a folio shall be counted as a folio, when such fraction constitutes the entire draft of the paper, or an excess over previous folios in the same document.

Officers to account for fees.

SEC. 18. Every officer, upon receiving any fees for official duty, shall, on demand therefor, make and deliver to the person paying such fees, an account of such fees, and the services for which such fees were charged; and for refusal or neglect to do so when required, he shall be liable to the party paying the same for double the amount paid.

Services exempt from fees.

SEC. 19. No fees shall be charged by any officer for administering and certifying the oath of office, or for recording certificates of elections, or commissions, or official bonds, when required to be recorded.

SEC. 20. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-six.



CHAP. CXVI.—*An Act to amend an Act entitled an Act to amend the charter of the City of Healdsburg, approved March twenty-sixth, one thousand eight hundred and seventy-four.*

[Approved March 2, 1876.]

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

Corporate limits defined.

SECTION 1. Section two of said Act is amended to read as follows: Section 2. The corporate limits of the City of Healdsburg shall be as follows, to wit: Beginning at the section corner to sections sixteen, seventeen, twenty, and twenty-one, township nine N., R. nine W., Mount Diablo meridian; thence running south on the section line seventy-five chains to the road running from Healdsburg to and down Dry Creek, or to the line of H. M. Wilson's land; thence along the north line of H. M. Wilson's and L. A. Norton's land to the northeast corner of L. A. Norton's land, and center of the slough; thence down the center of the slough to the south line of section twenty-one; thence east along said section line to the quarter section corner; thence along the south side and parallel to the railroad track, to the east side of Russian River; thence north to north line of Mattheson Street, in said town, extended; thence west to the east line of University Street; thence north to the north line

of said section twenty-one, to the place of beginning. The west line, however, in the foregoing boundary, that is to say, the first course therein given, after running forty hundredths chains, runs west to the corner of the plat of Healdsburg, made by William Mock, County Surveyor, and duly recorded in the Recorder's office of the County of Sonoma; thence south twelve degrees, thirty minutes east, with the west line of said plat or map, until such line intersects said section line; thence south on said section line, as above described.

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

CHAP. CXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CXVIII.—*An Act to regulate salaries and to fix the compensation of certain officers in the County of Contra Costa.*

[Approved March 2, 1876.]

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

SECTION 1. Such salaries, compensation, and fees, shall be allowed to the officers in Contra Costa County, hereinafter named, for services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may severally demand and receive the same in gold coin, in monthly payments, as in this Act provided.

SEC. 2. The County Assessor shall receive a salary of two thousand dollars per annum, in full compensation for all his services, and the services of all deputies employed by him; *provided*, that he may collect and retain to his own use such fees as are now, or hereafter may be allowed him by law, for the collection of poll-taxes and taxes on personal property, and for the taking of names for the Great Register, and military enrollment. Salary of Assessor.

SEC. 3. The District Attorney shall receive a salary of one thousand eight hundred dollars per annum, for all services required by law to be performed by him, including his services as counsel in the prosecution and defense of all suits to which the county may be a party as plaintiff or defendant, and no other compensation for any of his official duties; *provided*, he may collect and retain to his own use such fees as are now or hereafter may be allowed by law for the collection of delinquent accounts under the Act to abate the squirrel nuisance in said county. District Attorney.

SEC. 4. The County Clerk shall receive a salary of two thousand one hundred dollars per annum for all the duties appertaining to his office, including his services as Clerk of Clerk.

the District Court, County Court, Probate Court, and Board of Supervisors; *provided*, the Board of Supervisors may, by unanimous vote, allow the payment for deputy service, a sum not to exceed three hundred dollars in the aggregate for any one year.

Recorder.

SEC. 5. The County Recorder shall receive a salary of two thousand one hundred dollars per annum for all services to be performed by him by virtue of his office; *provided*, the Board of Supervisors may, by unanimous vote, allow the payment for deputy service, a sum not to exceed three hundred dollars in the aggregate for any one year.

Auditor.

SEC. 6. The County Auditor shall receive a salary of nine hundred dollars per annum for all services to be performed by him by virtue of his office.

Sheriff.

SEC. 7. The Sheriff shall receive a salary of four thousand two hundred and fifty dollars per annum for all services required to be performed by him by law in the county; *provided*, that the Sheriff may, in addition to the salary herein provided, charge and receive for his own use such fees as are now or hereafter may be allowed by law or by the Board of Supervisors for services which may be performed by him out of the County of Contra Costa; *and provided, also*, that the Sheriff may charge and receive such additional fees to his own use as are allowed by law for keeper's fees, for holding personal property under attachment or execution, and also such sums as shall be necessarily disbursed by him in keeping and conveying prisoners to the County Jail or elsewhere, when acting under the order of a Judge or Court of competent jurisdiction; *and provided further*, that the Sheriff may also receive to his own use such fees as are now or hereafter may be allowed by law, payable by the State for the transportation of insane persons to the Insane Asylum, and for the transportation of prisoners to the State Prison.

Tax Collector.

SEC. 8. The Tax Collector shall receive a salary of one thousand dollars per annum for all services and duties appertaining to his office.

Treasurer.

SEC. 9. The County Treasurer shall receive a salary of one thousand eight hundred dollars per annum, and no other compensation; *provided*, that the Treasurer may receive to his own use all fees which are now or hereafter may be allowed by law and payable out of the State treasury, for mileage and expenses in making settlement with the State Treasurer, not including any commissions allowed on such settlement.

Certain officers to account for fees.

SEC. 10. It shall be the duty of the County Clerk, County Recorder, Sheriff, Tax Collector, Treasurer, Auditor, County Assessor, and District Attorney to charge and collect, in advance, the fees allowed to those officers by law for their services, and to account for and pay over the same to the County Treasurer on the first Monday in each month, and at the time of making such payment each of the officers named in this section shall make duplicate statements of the amount of fees received during the preceding month, and from whom received. One of such statements shall be filed in the office

of the County Treasurer, the other in the office of the County Auditor, together with the Treasurer's receipt indorsed thereon, or annexed thereto.

SEC. 11. The County Auditor of said county shall audit, on the first Monday of each and every month, the salary of the County Clerk, Sheriff, Recorder, Auditor, Tax Collector, Assessor, District Attorney, and County Treasurer. He shall ascertain from the Treasurer, on said first Monday in each month, the amount of gold coin available in the Salary Fund, and amount of gold coin in the General Fund subject to transfer to said Salary Fund as hereinafter provided in this Act, and shall draw his warrant thereon, in favor of each of the officers named, in such proportion as each respective monthly salary bears to the aggregate of all their monthly salaries. He shall then draw his warrant on the General Fund for the remainder due such officer respectively for the said month, and such warrants shall be paid on presentation to the Treasurer, out of the said funds respectively; but no such warrants shall be drawn in favor of any officer until he shall have filed the statements and duplicates required in the preceding section.

Auditor to draw warrants.

SEC. 12. The County Treasurer of Contra Costa County shall keep in the treasury a Salary Fund, and shall place to the credit of that fund all fees of office which shall be paid into the county treasury as provided in this Act, and shall pay the warrants issued to the several officers specified in this Act, in payment of their salary; *provided*, that when there shall be an excess in said fund of more money than shall be sufficient to pay the salaries of all such officers for three months ensuing, such excess shall be placed to the credit of the General Fund of the county. And when at any time the money in the treasury to the credit of the Salary Fund shall be insufficient to pay the salaries of all the officers specified in this Act, as herein provided, the Treasurer shall transfer from the General Fund, from time to time, of money in the General Fund not otherwise appropriated, as the same shall be required, sufficient funds to pay the salaries of the officers named in this Act, as the same shall become due and payable, as in this Act provided.

Manner of crediting fees.
Treasurer to pay salaries.

SEC. 13. No officer herein named shall receive to his own use any compensation for official services performed by him, except as in this Act provided.

SEC. 14. This Act shall take effect on and after the first Monday of March, eighteen hundred and seventy-six.

CHAP. CXIX.—*An Act to reincorporate Salinas City.*

[Approved March 2, 1876.]

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

Corporate powers.

Boundaries of corporate limits.

Government, in whom vested.

SECTION 1. The corporation or body politic and corporate now existing and known as Salinas City shall remain and continue to be a body politic and corporate, in name and in fact by the name of Salinas City, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same may alter at pleasure; and may purchase, receive by donation, gift, or otherwise, and hold and enjoy real estate and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of Salinas City shall be as follows: Commencing at a point, north nine and one-half degrees west, sixty-nine chains, and twenty-eight links from the middle point of the intersection of Main and Gabilan Streets of Salinas City, magnetic variation, being sixteen degrees east, thence north, eighty and one-half degrees east, sixty-nine chains and twenty-eight links, to station at northeastern corner of city limits; thence running south nine and one-half degrees east, one hundred and thirty-eight chains and fifty-six links, to station at southeastern corner of city limits; thence running south eighty and one-half degrees west, one hundred and thirty-eight chains and fifty-six links to station at southwestern corner of city limits; thence running north nine and one-half degrees west, one hundred and thirty-eight chains and fifty-six links to station at northwestern corner of city limits; thence running north eighty and one-half degrees east, sixty-nine chains and twenty-eight links to place of beginning; thence commencing on the west line of the county road, leading from Salinas City to Santa Rita, where the same is crossed by the northern boundary of the city, as above established, north, along the western line of said road, to a point opposite the northern line of Sherwood Park; thence easterly, along the northern boundary of Sherwood Park, to the northeastern corner thereof; thence south, along the eastern boundary of said Sherwood Park, to the southeast corner of said park; thence south, prolonged in a straight line, until the same intersects the northern line of Salinas City, as hereinbefore established.

SEC. 2. The government of said city shall be vested in a Mayor, a Common Council—to consist of six members, a City Treasurer, who shall be City Collector, a City Assessor, who shall be City Clerk, a City Marshal, who shall be City Pound-keeper and Commissioner of Streets, and such policemen as the Mayor and Common Council may appoint. The Mayor and members of the Common Council shall receive no compensation for their services, neither shall they, or either of them, or any subordinate officer of the city govern-

ment, be interested, directly or indirectly, during their term of office, in any contract pertaining to any of the departments of the city; and all contracts in violation of this provision shall be absolutely void.

SEC. 3. On the second Monday in March in each and every year, a charter election shall be held, at which election the legally qualified voters of said city shall elect the several respective officers, as hereinafter provided, viz: A Mayor shall be elected at the charter election to be held on the second Monday in March, A. D. eighteen hundred and seventy-six, and on each alternative year thereafter, who shall hold his office for two years, and until his successor shall be duly elected and qualified. A City Assessor, who shall be City Clerk, shall be elected at the charter election to be held on the second Monday in March, A. D. eighteen hundred and seventy-six, and shall hold his office for one year from and after the first Monday of April succeeding his election, and his successor shall be elected on the second Monday in March, A. D. eighteen hundred and seventy-seven, and on each alternate year thereafter, who shall hold his office for two years from and after the first Monday in April succeeding his election, and until his successor shall be duly elected and qualified. A City Treasurer, who shall be City Collector, shall be elected at the charter election to be held on the second Monday in March, A. D. eighteen hundred and seventy-six, and on each alternate year thereafter, who shall hold his office for two years, and until his successor shall be duly elected and qualified. A City Marshal, who shall be City Pound-keeper and Commissioner of Streets, shall be elected at the charter election to be holden on the second Monday in March, A. D. eighteen hundred and seventy-six, who shall hold his office for one year, and until his successor shall be duly elected and qualified; and said City Marshal, who shall be City Pound-keeper and Commissioner of Streets, shall be elected at the charter election to be holden for said city on the second Monday in March, A. D. eighteen hundred and seventy-seven, and on each alternate year thereafter, who shall hold his office for two years, and until his successor is duly elected and qualified. Three Councilmen shall be elected annually, one from each ward, who shall be electors of the wards in which they are chosen, and who shall hold office for two years and until their successors are duly elected and qualified; *provided*, that at the charter election to be holden on the second Monday in March, A. D. eighteen hundred and seventy-six, there shall be elected six Councilmen, two from each ward, and one from each ward shall hold their office for one year, and one for two years, to be determined by lot. All elective officers provided for by this Act shall take office on the first Monday in April succeeding their election (whether elected to fill a full term or an unexpired term), and shall hold office for the terms herein provided, except School Trustees, who shall enter upon the discharge of the duties of their office on the first Monday in July succeeding their election (whether elected to fill a full or an unexpired term). Three School Trustees (one for each ward) shall be

Charter election; officers to be elected.

Mayor.

Assessor.

Treasurer and Collector.

Marshal to be Pound-keeper and Street Commissioner

Councilmen.

School Trustees.

electd annually at the charter election to be held on the second Monday in March, who shall be electors of the wards in which they are chosen, and who shall hold office for two years, and until their successors are duly elected and qualified; *provided*, that at the charter election held on the second Monday in March, A. D. eighteen hundred and seventy-six, two School Trustees shall be elected for each ward (except in the Third Ward, where one only shall be elected), who shall serve for one year; *and provided*, in the First and Second Wards the ballots shall express the terms for which the Trustees are elected, for one year or two years; *and provided further*, that all members of the present Board of Education of Salinas City shall hold office and be Trustees and members of the Board of Education under this charter until their term of office regularly expires. The Board of Education for Salinas City shall consist of six members.

Board of Education.

Ward boundaries.

SEC. 4. The city shall be divided into three wards, bounded as follows: All that portion of the city lying east of Main Street, San Juan Street, and the county road leading from Salinas City to Santa Rita, and north of San Luis Street, east of Main Street prolonged in a straight line to the east boundary of Salinas City, shall constitute the First Ward; all that portion of said city lying west of Main Street, San Juan Street, and the county road leading from Salinas City to Santa Rita, and north of Alisal Street, west of Main Street prolonged in a straight line to the western boundary of Salinas City, shall constitute the Second Ward; and all the territory in said city not included in the First or Second Ward, shall constitute the Third Ward.

Elections, how called.

SEC. 5. It shall be the duty of the Mayor and Common Council, by ordinance, to call and give notice of city elections, to designate the time and place of holding the same, and designating what offices are to be filled by said election, giving at least ten days notice thereof, and for each ward they shall appoint one Inspector and two Judges of Election, residents of their respective wards, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county elections, and all provisions of law regulating elections for State and county officers shall apply, as far as practicable, to elections under this charter. The polls for all elections shall be opened at such hour as may be designated by the Mayor and Common Council in giving notice of said election; *provided*, that the hour for opening the polls shall in no case be later than the hour of two o'clock P. M., and the polls shall not be closed until sundown of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present, and all returns of city elections shall be made out and signed by the officers of such election in the usual form, and deposited with the City Clerk in twenty-four hours after closing the polls; nor shall any person be entitled to vote at any city election unless he be an elector for State and county officers, and shall have actually

Polls.

Duties of Election Boards.

resided within the ward in which he claims his vote, thirty days next preceding such election.

SEC. 6. The Mayor and Common Council shall meet within five days after any election, and publicly canvass the returns, and declare the result; and the persons having the plurality of the votes cast for each office respectively voted for, shall be declared duly elected; and when two or more persons for any office have an equal and highest number of votes, the Common Council shall decide the election by a plurality vote of their own Board. Should any of the officers elected fail to qualify by taking the oath of office and giving the bond required (if any), for the period of ten days after they have been declared elected by the Mayor and Common Council as aforesaid, the office shall be vacant, and shall be filled as hereinafter provided.

Common Council to canvass election returns.

Failure of officers to qualify.

SEC. 7. The Mayor and Common Council shall hold their regular meetings on the first Monday in each month, and at such other times as said regular meeting may be adjourned to. A majority of all the members elected shall be a quorum for the transaction of business, and a less number may adjourn from time to time, and may compel the attendance of absent members. The Mayor shall preside at all meetings of the Common Council, but shall be entitled to no vote unless in case of a tie. In the absence of the Mayor at any regular, or adjourned, or called meetings of the Common Council, if four members are present, they may choose one of their own number to preside at such meeting; and all acts of their presiding officer shall have the same validity as if presided over or done by the Mayor. Every order made and ordinance passed by the Mayor and Common Council, in order to have legal force, must receive not less than four votes and the approval of the Mayor; or, if he fail or refuse to approve the same within five days after its passage, to render such order or ordinance valid it must receive the votes of five of the Councilmen.

Common Council meetings, when and how held.

SEC. 8. If, at any time, either or any of the officers created in this Act (members of the Board of Education excepted) shall, from sickness, absence, or from other cause, neglect or refuse to perform the duties of his office for a period of sixty consecutive days, his office shall be declared vacant by the Common Council. Any vacancy occurring in any of the offices created by this Act shall be filled by the Mayor and Common Council until the next regular election, when the vacancy shall be filled by the qualified electors of said city; but the person thus elected shall hold office only for the balance of such unexpired term.

Vacancies in office, how filled.

SEC. 9. The Common Council may adopt rules for its proceedings; shall judge of the qualifications of its members; keep a journal of its proceedings; compel the attendance of its members and punish for disorderly conduct; to pass all proper and necessary laws for the regulation, improvement, and sale of lands, and other property of the city (except the sale and disposal of the public squares and parks); to construct public buildings and other structures by contract to

Powers and duties of Common Council defined.

Powers and
duties of
Common
Council de-
fined.

the lowest responsible bidder, in such manner as may to the said Common Council seem best; to license all and every kind of business authorized by law and transacted or carried on in said city; to fix the rate of license tax upon such business; to purchase, hold, and maintain fire engines and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department and establish fire limits; to construct wells and cisterns and aqueducts to supply the city with water, or make such other contracts with parties for supplying the city with water for fire and municipal purposes as they may deem for the best interests of the city and the inhabitants thereof; to lay out, alter, open, vacate, improve, cleanse, and repair streets, alleys, lanes, and sidewalks; and to water streets, construct sewers, either main or lateral branches and drains; to improve the streams, sloughs, and natural drains flowing through the city, or in the vicinity thereof, in order to facilitate the drainage thereof, or to facilitate the sewerage and drainage of the city; and to protect the city from overflow by opening or closing the natural channels in said city limits and raising embankments along said channels, or by filling the same, or by widening, straightening, and deepening said channels or sloughs; to alter, improve, change, or repair any property of the city; to create and establish a city police; to prescribe their duties and compensation; and to provide for the regulation and government of the said police; to regulate for the protection of health, cleanliness, ornament, peace, and good order of the city; to define, prevent, and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners, and for the employment of vagrants and prisoners for violations of city ordinances, after conviction in the Police or other Court having competent jurisdiction, upon the public streets and highways of said city or other public works; to prohibit and suppress gambling-houses, and houses of ill-fame, and all indecent and immoral amusements and exhibitions, and prescribe the rules of evidence as to what shall establish the fact of a house being a gambling-house or house of ill-fame; to regulate the location of slaughter-houses, markets, and houses for the storage of gunpowder and other combustible and explosive substances; to prohibit the establishment and maintainance of slaughter-houses, or the storage of gunpowder and other combustible or explosive substances within the limits of the city; to purchase, sell, exchange, and improve school lots, and to purchase and construct school-houses; to impose and appropriate fines, penalties, and forfeitures for any and all violations of city ordinances; and for a breach or violation of any city ordinance may fix the penalty by fine, imprisonment, or both, but no fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any offense, or may provide, in case the fine is not paid, that the party labor on the streets or public property of the city, within the city limits, at such rate per day, not exceeding two dollars per day, as may be fixed by the Court, until such fine is paid; to purchase lands, in or out of the city limits, for cemeteries or burial grounds, and

to provide for the government and care of the same, and for the sale and disposal of burial lots therein; to provide for the numbering of houses and places of business; to establish a public pound and prescribe regulations for the government thereof, and duties of the Pound-keeper; to prevent, regulate, or license the running at large of any or all domestic animals; to examine, either in open session or by committee, the books, papers, vouchers, and reports or statements of the several city officers, and to allow and order paid from the General Fund their several salaries, except as herein otherwise provided; to pass such ordinances, resolutions, and by-laws for the regulation of the police, and entire government of the said city, as may not be inconsistent with the provisions of this charter, or with the Constitution and laws of the State, or of the United States; and any violation of any lawful order, regulation, or ordinance of the Mayor and Common Council of Salinas City is hereby declared a misdemeanor, and all prosecutions for the same may be in the name of the people of the State of California.

SEC. 10. The Common Council shall not create, audit, or allow, or permit to accrue, any debt or liability above the actual revenue or available means in the treasury, that may be legally apportioned and appropriated for such purpose; nor shall any warrant be drawn, or evidences of indebtedness be issued, unless there shall be sufficient money in the treasury legally applicable to meet the same, except as hereinafter provided.

Restriction
of powers.

SEC. 11. Every claim and demand that shall arise against Salinas City (except bonds, coupons for interest, or claims payable from the School Fund), shall be filed with the City Clerk and presented to the Common Council, and if found correct, shall be allowed and ordered paid by a majority vote of the Common Council; and when so allowed shall be presented to the Mayor for approval; and if he approve such allowance, he shall indorse his approval upon such claim or demand; and if he fail or refuse to approve such allowance within five days, the said claim or demand, in order to render the same payable, must be allowed and ordered paid by the votes of five Councilmen. Upon the allowance of any claim or demand, as in this section provided, the Mayor shall draw his warrant (countersigned by the City Clerk), upon the City Treasurer, in favor of the owner or owners, specifying for what purpose, and by what authority it is issued, and out of what fund it shall be paid; and the Treasurer shall pay the same out of the proper fund; *provided, however,* that if said public moneys shall be in the hands of any special depository, as hereinafter provided, the order shall be drawn upon such depository, as hereinafter required.

Claims, how
allowed and
paid.

SEC. 12. At each regular meeting of the Common Council, they shall inquire into the condition of the streets, sewers, bridges, schools, school-houses, fire department, police department, and all property belonging to the city; and whenever the owners of a majority of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written application to the Mayor

Special
taxes.

and Common Council for an expenditure of not exceeding five thousand dollars, for any purpose authorized in this Act, in excess of the revenue of the city, for such purposes, in the then fiscal year, the Mayor and Common Council shall have power, after having caused such application to be spread upon their minutes, to incur such expenditure, although in excess of the revenue to the city for the then current fiscal year, and shall provide for the payment of the same, as directed in the said application, by the levy of a special tax for the same or the succeeding fiscal year; *provided*, that the special tax thus to be levied shall for no one year be more than one-half of one per cent. upon the valuation of the real and personal property as shown by the last assessment roll. All special taxes ordered to be levied and collected, shall be so levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of said city.

Taxes, how
levied and
collected.

Delinquent
sales.

SEC. 13. The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collecting of all city taxes, and in so doing shall be governed by the State laws in reference to the levying and collecting of State and county taxes, as far as applicable; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and county purposes; and every tax levied by said Common Council under the provisions of this Act, or of any former Act which was in force and effect and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in April in each year, and shall not be satisfied or removed until the taxes are all paid or the property has absolutely vested in a purchaser under a sale for taxes.

Rate of taxa-
tion.

SEC. 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 five 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 thirty 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 licenses 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.

Board of
Equaliza-
tion.

SEC. 15. The Mayor and Common Council, or a committee of their number, appointed for that purpose, shall constitute

a. Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment roll, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property, as fixed by the Assessor; and shall have power to modify and change such valuation in any way, either by increasing or lowering the same, as a majority of them shall deem just and right. Said meetings may be held from time to time, as in said notice specified, for the period of two weeks, and no longer.

SEC. 16. The Common Council are hereby authorized and empowered to order the whole or any portion of any street or streets, lane or lanes, sidewalks, alleys, courts or squares, graded or regraded to the official grade, paved, graveled, or macadamized; and have the same repaired, or to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience require.

Common Council to regulate street improvements.

SEC. 17. If at any time the owners of three-fifths or more of the real estate fronting on any street, counting from one cross-street or public way to any other cross-street or public way, within the corporate limits of Salinas City, shall petition the Mayor and Common Council of said city for the sewerage, grading, graveling, macadamizing, paving, plank-ing, curbing, or repairing of any such street or public way, or the sidewalks along the same, or both; or if no such petition shall be presented, and the Mayor and Common Council shall deem it to be for the best interests of the city that such improvements be made, they shall cause notice to be given by publication for at least ten days in some newspaper published in said city, of the street thus to be improved, and, also, the character and extent of such improvement; and, unless, within ten days from the completion of said publication, written objections to said improvements, signed by the owners of four-fifths of the property fronting on said proposed improvement, shall be filed with the City Clerk, they shall cause an immediate survey of any such proposed work or improvement to be made by the City Surveyor, or some other competent surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade, and the amount of excavating or filling in front of each person's real estate to the middle of the street or public way; all lots on the corners of blocks to include the sidewalks of the cross-streets, or if the improvements only extend to the sidewalks, then he shall indicate as aforesaid the amount of excavation or filling of the sidewalks in front of each person's real estate, and he shall present the same, together with the plans and specifications for the proposed work or improvements, to the Mayor and Common Council for approval.

Petitions for grading, filling, etc.

SEC. 18. If the Mayor and Common Council approve the survey, diagram, and specifications of the Surveyor, provided for in the preceding section, the same shall be placed on file

Street contracts, number of letting.

in the office of the Commissioner of Streets, and the Mayor and Common Council shall order said improvements to be made as petitioned for or resolved upon, designating in said order at what time said improvements shall be completed, and providing therein that the Commissioner of Streets shall immediately let out to the lowest responsible bidder or bidders, after giving such notice as the Mayor and Common Council may direct, by contract in writing, the doing of all the said work or improvements so ordered. Said contract shall provide that said work and improvements shall be made in accordance with the diagram, survey, and specifications in reference thereto; and that the same shall be completed within the time fixed by the Mayor and Common Council for the completion of said work and improvements, and shall particularly state the whole amount to be paid for such work and improvements, and all such contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of the Mayor and Common Council, with two or more sureties, in such sum as the Mayor and Common Council shall order, conditioned for the faithful performance of the contract, and made payable to Salinas City; and the said sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions, (and any person suffering damages by reason of the breach of said contract may sue on said bond in his own name); *provided*, that not less than the whole of said work or improvements required to be done on any street or highway, from one cross-street to another cross-street, shall be let to any one contractor or in any single contract; *and provided further*, that no contract for the doing of any of said work or improvements shall take effect until approved by the Mayor and Common Council of said city; and the Mayor and Common Council shall have the power to reject any and all contracts so made as aforesaid by the Commissioner of Streets, as in their discretion the public good may require, and to direct the Commissioner of Streets to readvertise for proposals to do said work and improvements.

Contractors to execute bond.

Power to reject.

Assessor to assess costs of improvements.

Sec. 19. Upon the approval of the contract or contracts for the doing of said work and improvements, as provided for in the preceding section, it is hereby made the duty of the City Assessor of said city, within ten days thereafter, to make an assessment of the costs of making such improvements, as apportioned to each of the owners of the real estate fronting on the portion of said street so ordered to be improved, in the same ratio or proportion which the frontage of the real estate of each of said owners bears to the total cost of said work or improvements so petitioned for and let as aforesaid; *provided*, that the expenses of the work done on main street crossings to the outer edge of the sidewalks shall be assessed upon the four corner lots adjoining and cornering on the crossings. Where a street terminates at right angles in another main street, the expenses of the work done to the outer edge of the sidewalks opposite the termination shall be assessed upon the two corner lots adjoining and

cornering on the same, according to the frontage of such lots on said main streets, and the expenses of the other half of the width of the said street, upon the lots fronting on the latter half of the street opposite such termination; *provided*, that the expense of all street crossings, from the outer edge of the sidewalks, shall be assessed to Salinas City; and if the owners of any of the real estate fronting on said portion of said street are unknown to said Assessor, he shall assess the proportionate cost of said improvements to unknown owners, and he shall present the said assessment to the Mayor and Common Council for approval; and when said assessment shall have been approved by the Mayor and Common Council, the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, and the said Collector shall proceed to collect the same in such manner and within such time as the Mayor and Common Council shall by ordinance direct. At the expiration of the time fixed by the Mayor and Common Council for the collection of said assessment by the City Collector, he shall return the same to the City Clerk, and said Clerk shall, within ten days, make out and deliver to the City Attorney (or such other attorney as the Mayor and Common Council may designate) a certified list of the persons and property, and the amounts remaining delinquent upon such assessment, and said Attorney shall immediately commence suit or suits for the collection of the same, and the proceedings for the collection of said assessment, so remaining delinquent, shall be by suit *in rem* against the property chargeable with such assessment, and the said assessment shall be a lien upon and against the property assessed, which shall attach at the time said improvements are ordered to be made, and shall not be satisfied or removed until the said taxes or assessments are all paid, or the property has absolutely vested in a purchaser under a sale for taxes or assessments; and said taxes or assessments shall be collected in the same kind of currency as prescribed in reference to State and county taxes. The delinquent list provided for in this section, certified by the City Clerk, showing unpaid taxes or assessments against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes or assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes or assessments have been complied with. Any judgment rendered in such action shall include, in addition to the costs of said suit, fifteen per cent. upon the amount of said taxes or assessment.

Delinquent assessments.

SEC. 20. The costs of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts, shall be paid by the city.

Expenses, how paid.

SEC. 21. When any street, or portions of any street or roadway which has not been accepted by the city, or the sidewalks or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public incon-

Commissioner of Streets to give notice of needed improvements.

venience, and shall be so determined by the Mayor and Common Council, the Commissioner of Streets shall, by notice in writing, to be delivered to them personally or posted on the premises of the owners, occupants, or tenants of any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Commissioner of Streets may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owner of the real estate, at such price as he may deem reasonable and just, and such owners shall be liable to pay the same, and the sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which, to the middle of the street, said work or improvements shall have been made, and may be collected and enforced in the same manner as provided in section nineteen of this Act.

Owners of property liable for costs.

Common Council and Mayor to inspect street work.

SEC. 22. Whenever any street shall be improved under contract, in accordance with the provisions of the charter, it shall be the duty of the Commissioner of Streets, the City Surveyor, and the Chairman of the Street Committee, to examine said work while in progress and carefully inspect the same when completed, and upon the completion of said work the Commissioner and City Surveyor and Chairman of the Street Committee, or a majority of them, shall file in writing with the City Clerk their acceptance or rejection of said work; and if accepted the Mayor and Common Council shall, at the next regular meeting after said acceptance, draw a warrant upon the Road Fund in favor of the contractor for the amount due upon such contract, but no warrant shall be drawn or liability created until such written acceptance is duly filed.

Acceptance of street work.

SEC. 23. When any street, or portion of a street, not less in extent than from one cross-street to the next cross-street, is now or shall hereafter be constructed, repaired, and fully improved to the satisfaction of the Mayor and Common Council of Salinas City, under such regulations as they may adopt, the Mayor and Common Council may by ordinance accept the same, and thereafter the roadway of said portion of such street so accepted shall be kept open and in repair by said city, and the expenses thereof shall be paid from the General Fund. The City Clerk shall keep in his office a register of all streets or portions thereof accepted under this section, the same to be indexed, so that reference may be easily had thereto.

Property owners to petition for street sprinkling.

SEC. 24. If at any time the owners of a majority or more of the real estate fronting on any street, counting from one cross-street to any other cross-street, within the corporate limits of Salinas City, shall petition the Mayor and Common Council of said city for the sprinkling and watering of such street, between the points designated, the Mayor and Com-

mon Council may, by ordinance, direct that said street be so sprinkled and watered; and the Commissioner of Streets shall thereupon proceed to advertise for proposals to perform said work, in such manner as is in said ordinance provided, and let a contract, subject to the approval of the Mayor and Common Council, to the lowest responsible bidder, to water and sprinkle such street, between the points designated, at such times and to such extent as in said ordinance provided; and said Commissioner of Streets shall assess upon the property fronting on the street or portions of streets thus watered or sprinkled, in proportion to its frontage on such streets or portions of such streets as said frontage bears to the whole length of street sprinkled or watered. The costs of such watering and sprinkling, as provided in the contract, said Commissioner of Streets or his deputy shall collect each week from such property holders; and in the event of the refusal or neglect of such property holders to pay said sums, when so demanded, said Commissioner of Streets shall commence an action in the name of Salinas City, in any Court of competent jurisdiction, and shall, in addition to such assessment sued for, and the costs of suit, recover ten dollars counsel fees in each case, and from the sums thus collected and recovered shall pay to the party watering said street the amount of the assessment due from the party under said contract, for sprinkling the street.

Street Commissioner to award contract.

Costs of sprinkling, how collected.

SEC. 25. The Mayor and Common Council shall have power, and it is hereby made their duty, to appoint some suitable person Sexton and Superintendent of such cemetery as may hereafter be established for the purposes of the city, who may be removed by the Mayor and Common Council at will. Such Sexton and Superintendent shall have power to make arrests of persons who may trespass upon the cemetery grounds, or be found guilty of violating any of the laws or rules for the protection and government of said cemetery or cemeteries as prescribed by ordinance or resolution of the Mayor and Common Council. The Mayor and Common Council shall have power to make all needful laws and regulations for the government of said cemeteries. They shall, in such laws, particularly set forth the duties of the Sexton and Superintendent, and provide for his compensation.

Sexton and Superintendent of Cemetery, duties of.

SEC. 26. The Mayor and Common Council, when, in their opinion, the public good so requires, shall appoint a City Attorney, and also a City Surveyor and Engineer, each of whom may be removed at the pleasure of the Mayor and Common Council; the duties and compensation of each of said officers to be prescribed by the Mayor and Common Council.

City Attorney, Surveyor and Engineer, appointment of.

SEC. 27. The Mayor and Common Council of Salinas City shall, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street, in said city (which petition shall have been signed by the owners of two-thirds of the frontage on said street therein proposed to be opened, widened, or extended, provided that no part of any street shall be widened except to a uniform width with the whole street, or whenever said Mayor and

Opening and widening of streets.

Common Council shall deem the opening or extending of any street a public necessity), direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, and return the same to the Common Council at its next regular meeting, or within such time as the Common Council shall, by ordinance or resolution, direct; and, for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands; but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

Publication
of notice.

SEC. 28. If the Mayor and Common Council approve the survey provided for in the preceding section, the City Clerk shall give notice, by publication in some newspaper published in Salinas City, for the period of ten days, directed generally to all persons interested, setting forth that a survey of such proposed street or streets, and such order approving such survey, have been made, and that unless the owners of all lands included within the lines of said street as proposed to be opened or extended shall, within thirty days after the first publication of said notice, make, execute, and deliver to Salinas City a deed or deeds of donation of such lands, proceedings will be instituted for the condemnation of the same.

Condemna-
tion of lands.

SEC. 29. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the line of the streets so proposed to be opened, widened, or extended shall have neglected or refused to make, execute and deliver deeds of donation therefor, proceedings shall be instituted in the name of Salinas City against such person or persons, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, for the purpose of condemning such lands to the use of the city as a public street; *provided*, that benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Drainage
and sewer-
age.

SEC. 30. In order to provide for the necessary and proper drainage and sewerage of Salinas City, the Mayor and Common Council of said city are hereby authorized to procure the right of way, by purchase or condemnation, for such main and lateral sewers or drains as they may deem proper for the sewerage and drainage of said city; such rights of way may thus be secured through lands within the corporate limits and also when required through lands adjacent to and without said city.

Same.

SEC. 31. The Mayor and Common Council of Salinas City shall, whenever they deem the widening, straightening, or deepening of any stream, slough, or natural channel, a public necessity for sewerage, drainage, or other purposes connected with the sanitary condition of said city, a public necessity, direct by ordinance a survey of said stream within such time as shall be directed by said ordinance, and said survey shall be accompanied with a report and diagram map showing the location of said stream, slough, or channel, and the proposed alterations thereof, and whenever, in the opinion of said Common Council, the public exigency requires,

such improvement may be made upon such streams, sloughs, or channels without the corporate limits of the city.

SEC. 32. If the Mayor and Common Council approve the survey provided for in the preceding section, it is hereby made the duty of the City Clerk to cause notice to be published, for the period of ten days, in some newspaper published in said city, a notice directed generally to all persons interested, setting forth that said survey, and the order approving the same, have been made, and that unless the owners of all lands included within the lines of said survey shall, within thirty days after the first publication of said notice, make, execute, and deliver a deed or deeds of donation to Salinas City of the lands included in such survey, and required for such work of improvement, proceedings will be instituted for the condemnation of the same.

Notice of
condemna-
tion of lands
for sewerage.

SEC. 33. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the lines of the said survey, shall have neglected or refused to make, execute, and deliver deeds of donation therefor, proceedings shall be instituted in the name of Salinas City against such person or persons, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, for the purpose of condemning such lands as a public necessity; *provided*, that the benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Proceedings
against own-
ers.

SEC. 34. The executive power of the corporation shall be vested in the Mayor. It shall be the duty of the Mayor to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to be at the head of the police; to exercise a constant supervision and control over the conduct of all subordinate officers, and receive and examine into all such complaints as may be preferred against any of them for a violation or neglect of duty, and certify the same to the Common Council, and may suspend the function of such officer until the charges preferred against him can be inquired into by the Common Council; to sign all licenses and warrants on the treasury; to administer oaths or affirmations upon any and all matters and business pertaining to said city, and generally perform all such duties as may be prescribed for him by law, or by the city ordinances; to communicate to the Common Council semi-annually, and oftener, if he thinks proper, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

General du-
ties of May-
or.

SEC. 35. When there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or from other cause may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number, who, as President pro tem. of the Common Council, shall be ex officio Mayor of said city during such vacation, and shall in all respects be legally qualified to discharge the

Vacancy in
office of May-
or, how
filled.

duties of such position; and if such vacancy be so filled for the period of one month, such incumbent shall be entitled to the emoluments of such office for such period of time.

Salary of Mayor.

SEC. 36. The Mayor shall receive as a salary such sum per annum as the Common Council may determine, the same to be paid quarterly from the General Fund of the city.

Powers and duties of City Marshal.

SEC. 37. The Department of Police of said city shall be under the direction of the City Marshal; and, for the suppression of any riot, public tumult, disturbance of the public peace, or any organized 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 this State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and constables in said city; and every citizen shall also lend him aid when required for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority; to enforce all ordinances passed by Common Council and approved by the Mayor, or passed by the Common Council in case of the refusal of the Mayor to approve the same, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violations of city ordinances. He shall also have the charge of the City Prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference to such prisoners are fully executed and complied with.

Same.

SEC. 38. It shall be the duty of the City Marshal, as Commissioner of Streets, to make regular and frequent inspection of all the traveled streets within the city limits, under the direction of the Mayor and Common Council. He shall remove obstructions therefrom, repair bridges and culverts, and make such other needful repairs as such streets may, from time to time, require. He shall also supervise and inspect all work that may be directed by the Common Council in opening, grading, graveling, and improving the public streets within said city; give all necessary notices to property holders or others as to any contemplated opening or improvement of streets. He shall also have general supervision and charge of all public squares, parks, and courts within said city. He shall see that all dead animals and offensive substances are promptly removed from such streets or squares; that the sewers and gutters are in proper order and condition. He shall direct as to the extent and manner in which streets may be excavated for the laying of gas, water, and other pipes, and shall direct the way in which such excavations shall be made or the earth replaced therein; and he shall generally do and perform all acts and duties with reference to the public streets and squares of the city that may be directed by ordinance, or order, or resolution of the Mayor and Common Council.

Compensation of City Marshal.

SEC. 39. The City Marshal shall receive as compensation for his services as City Marshal, Street Commissioner, and

Poundmaster, a sum to be fixed by the Mayor and Common Council. Such compensation shall be paid monthly by warrant on the General Fund. The Marshal and policemen of said city shall charge, collect, and be entitled to receive, in the discharge of their official duties, the same costs or fees which are by law allowed to Sheriffs and Constables for like services, and such costs or fees so received by any of them shall be, by the party receiving the same, within twenty-four hours after the receipt thereof, paid into the city treasury and shall by the Treasurer of the city be placed to the credit of the General Fund of said city.

SEC. 40. It shall be the duty of the Marshal and policemen of said city to execute all process issued by any Justice of the Peace of Alisal Township officiating as Police Judge or otherwise, or from other legal authority commanding his services as such officer; and the Marshal shall attend upon the Court officiating as a Police Court, and be in attendance at all meetings of the Common Council, and do and perform such other duties as may be required of him by the Mayor and Common Council. He may also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen of sobriety and good moral standing in the community, who shall discharge the duties assigned to them for one day only, and shall be entitled to receive pay from the city, not exceeding the compensation of a regular policeman.

Duties of Marshal and policemen.

SEC. 41. The City Assessor and Clerk, before entering upon the duties of his office, shall give a bond in the sum of five thousand dollars, or such greater sum as the Mayor and Common Council may by ordinance direct, conditioned for the faithful discharge of the duties of his office. It shall be his duty, as City Clerk, to keep a true and correct record of all the business transacted by the Common Council. He shall sign, as City Clerk, and issue to the Collector, license certificates for all branches of business for which a license may be required, and take his receipt for the same. He shall keep a true list of all such certificates issued by him, and the amount of money received by the Collector therefor. He shall countersign all warrants issued by order of the Mayor and Common Council, and signed by the Mayor. He shall notify in writing all persons who may be by the Common Council, sitting as a Board of Canvassers, declared to be elected to office. The City Clerk must keep separately, in large, well bound, uniform and suitable books, an ordinance record, in which shall be entered, in a good, round, legible hand, all ordinances passed by the Common Council and approved by the Mayor of Salinas City, or passed by the Common Council over the veto of the Mayor; and said record shall be signed by the Mayor and countersigned by the City Clerk; a file book, which shall be an alphabetical index, wherein there shall be entered, in chronological order, all bills, communications, and all other original documents filed with said Clerk for presentation to the Mayor and Common Council, and all actions had thereon; an improvement assessment record, in which shall be copied all improvement

Bond of Assessor and Clerk.

Duties as City Clerk; to keep certain books and records.

assessment rolls, and such record certified by the City Clerk; a street and slough improvement and sewerage register, in which shall be entered, under the proper heads, a memorandum of each and every action had, referring to the page and book of record in all matters of street and slough improvement and sewerage. It shall be his duty as City Assessor, in each and every year, between the first Monday in April and the first Monday in July, to make out a true list of all the taxable property within the limits of the city, which list, when so made out and certified by him, shall be placed in the hands of the Common Council for equalization. The mode of making out such list, and ascertaining the value of the property, shall be the same as prescribed by law for assessing State and county taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the City Collector a tax list in the usual form as soon as practicable after the Common Council, as a Board of Equalization, have equalized the assessment, and do and perform all such other duties as may be prescribed by this Act, or as, by ordinance or otherwise, may be required of him by the Common Council. It shall be the duty of the City Clerk to report to the Common Council quarterly a full and detailed statement of the receipts and disbursements of the city government, and the state of each particular fund; such quarterly report, duly verified by his oath, shall be published once in some newspaper published in Salinas City, as the Mayor and Common Council shall direct. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue, and the amount received from each, and the objects for which they were made, and the amount of money expended under each; evidences of indebtedness issued, and what portion thereof remains outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand. He shall have the power to administer oaths and affirmations. He shall, with the concurrence of the Mayor and Common Council, appoint one or more deputies.

Duties as Assessor.

Receipts and expenditures

Compensation of Assessor and Clerk.

SEC. 42. For his services as such Assessor and City Clerk he shall receive such monthly salary as may be allowed by the Mayor and Common Council, at their regular monthly meetings, on the first Monday in each month. He shall also be entitled to collect and receive to his own use, for drawing and making out any deed for real estate sold by the city (other than burial lots), the sum of two dollars; and for any transcript of the records, or copies of papers in his office, such fees per folio and certificates as are by law allowed to the County Recorder of Monterey County for like services; *provided*, no charge shall be made for any copies, transcripts, or certificates required or demanded by said city; *and provided further*, that Salinas City shall in no event be liable for any of the fees or charges hereinbefore provided for, except the salary allowed by the Mayor and Common Council.

SEC. 43. It shall be the duty of the City Treasurer and Collector to collect all licenses, taxes that shall at any time

be due the city, and to receipt for the same; to receive the tax list, and, upon the receipt thereof, to proceed to collect the same, at the time and manner as prescribed by ordinance for the collection of the same, the said Treasurer and Collector being hereby vested with all and the same powers to make collections of taxes and licenses for said city as is or shall hereafter be conferred upon Collectors for the collection of State and county taxes and licenses; and it shall be his duty to collect, in the same manner and with the same authority, any tax list or assessment placed in his hands, within such time as may be by ordinance prescribed, and place all taxes, assessments, and licenses, and other moneys collected by him belonging to the city, in the city treasury; and on the first Monday in each and every month, or as often as the Mayor and Common Council may by ordinance direct, file with the City Clerk his affidavit, stating the amount of money collected by him belonging to the city, for the preceding month, or for such other period of time as may have been prescribed, the sources from which the same has been received; and said affidavit shall be subscribed and sworn to. It shall be the duty of said City Collector and Treasurer to receive and safely keep all moneys that shall come into his hands belonging to Salinas City, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall each day deposit all moneys by him, as such Treasurer, before that time collected or received, in such bank in Salinas City as the Mayor and Common Council may by resolution direct, and shall countersign all warrants issued by order of the Mayor and Common Council, and signed by the Mayor, and countersigned by the City Clerk. He shall perform such other duties as may be by ordinance required of him by said Mayor and Common Council; and for his compensation as such Treasurer and Collector he shall receive such salary monthly as may be allowed by the Mayor and Common Council. The City Collector and Treasurer shall make quarterly settlements with the City Clerk, and shall file with said Clerk a statement under oath of the same; and in said statement he shall set forth the entire amount of moneys by him received during the preceding quarter, and placed with the bank depository, and also the gross amount of all warrants drawn during said quarter against said Public Fund.

Duties of Treasurer and Collector.

Compensation of Treasurer and Collector.

SEC. 44. It shall be the duty of the City Clerk, upon the first Monday in April in each and every year, to cause notice to be given by public advertisement for one week, in some newspaper published in Salinas City, that sealed proposals will be received from any bank of deposit in Salinas City, as to the terms and conditions upon which they will receive and disburse the public moneys of said city. Such proposals will be received up to twelve o'clock m. of the second Monday in said month of April. The proposals to be made shall specify the rate of interest per month that will be allowed upon such deposits of public moneys, and shall further provide that said banking house will at any time, upon warrants properly drawn and presented, pay out and disburse on

Public moneys, how held and disbursed. Clerk to advertise for proposals.

demand, all moneys of said city then on deposit in said bank, if required to pay such warrants. Such sealed proposals shall be publicly opened by the Clerk in the presence of the Mayor and Common Council. The bank offering the highest rate of interest shall be appointed the depository of such public funds and moneys. Such depository thus selected shall give a bond, with two or more sureties, in the sum of fifty thousand dollars, or such further sum as the Mayor and Common Council may direct, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Common Council. Upon the approval of such bond, the Mayor and Common Council shall, by resolution, direct the City Treasurer to deposit each day with the bank thus selected, all public moneys by him collected or received. For each deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such moneys in said bank the Treasurer and his bondsmen shall no longer be liable therefore [therefor].

Security
required.

Same.

SEC. 45. At any time the Mayor and Common Council may, by resolution, direct such bank of deposit to give additional or other security for the charge and disbursement of said moneys, and until such other security is given and approved, may direct the Treasurer to retain such moneys in his own possession.

Oaths and
bonds of
officers,
where filed.

SEC. 46. All city officers, whether elected by the people or appointed by the Mayor and Common Council, shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by law. All such officers, other than the Mayor, members of the Common Council, and the Board of Education, shall each, before entering upon the duties of his office, give a bond, with sureties, to be approved by the Mayor and Common Council, payable to Salinas City, in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law and the ordinances and regulations passed and approved by the Mayor and Common Council of Salinas City. Should the bond of any officer become insufficient, he shall give such additional security as the Mayor and Common Council may require, and upon his failure to do so at the time required, or within five days thereafter, his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named in this Act, except the bond of the City Assessor and Clerk, shall be filed in the office of the City Clerk. The official bond of the City Assessor and Clerk shall be filed with the Mayor of Salinas City.

Jurisdiction
of Justices of
the Peace.

SEC. 47. Justices of the Peace of Alisal Township are hereby declared competent to discharge all the duties of Police Justice for Salinas City; and for all services and proceedings before a Justice of the Peace in a criminal proceeding or action arising under the provisions of this Act, or of any ordinance which may now or hereafter be in force in said city, he shall have and be entitled to receive from Salinas City the sum of two dollars, payable out of the General

Fund, and all fines imposed by such Justices for any breach of the peace within the corporate limits of Salinas City, or for any violation of the city ordinances, shall be paid into the city treasury and placed to the credit of the General Fund. And it is hereby expressly provided that no demand shall be allowed or warrant drawn in favor of any Justice of the Peace who shall fail to pay into the city treasury the fines collected in criminal cases, where the crime shall have been committed within the corporate limits of Salinas City, when such crime by law is punishable by fine, and which fine, if paid, would have, under the provisions of this Act, been justly due and payable to the General Fund of the city.

SEC. 48. If at any time the Justices of the Peace of Alisal Township refuse or fail to perform the duties of Police Justice, as by this Act required, it shall be competent and is hereby made the duty of the Mayor to hold such Court, with all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crime may have been committed within the corporate limits of said city, and for all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases by law and the provisions of this Act shall be paid to such Justices.

Mayor to hold Court in certain cases.

SEC. 49. On the first Monday in July succeeding their election, the Trustees of Salinas City School District shall meet at their rooms in the City Hall of Salinas City and then organize as a Board of Education by electing a President from their own body. It shall be the duty of the President to preside over the meetings of the Board and to call special meetings; he shall be entitled to a vote, and in his absence any member of the Board may be chosen to preside in his place. A majority of the Board shall constitute a quorum for the transaction of business, but any smaller number may adjourn from time to time. The Board may enact rules for the conduct of its own proceedings. Its sessions shall be public.

Board of Education, how composed; duties of.

SEC. 50. The Board of Education shall cause the Clerk to prepare and submit each quarter to said Board a tabular statement, in writing, of the condition of the several schools of the city, by name. Such statement shall contain the several items of expenditure incurred during the preceding quarter for each such school, and the entire money disbursements upon the same. Such report shall be in duplicate, and one copy thereof shall be by said Clerk forthwith transmitted to the Clerk of the Common Council.

Clerk to report condition of schools.

SEC. 51. The Board of Education shall have power :

First—To establish and maintain public schools.

Second—To employ and dismiss the City Superintendent, teachers, janitors, and School Census Marshals; and to fix, alter, allow, and order paid their salaries or compensation, which salaries and compensation shall be fixed by the Board of Education; *provided*, that the term of employment of the Superintendent and teachers shall expire on or before the last day of June of each and every year; and to withhold, for

General powers of Board of Education. Appointment of Superintendent, Janitors, etc.

good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Rules and regulations.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and management of the public schools within said city, and for carrying into effect laws relating to education; also, to establish and regulate the grade of schools, and to determine what text-books prescribed by the State Board of Education shall be employed in the course of study and mode of instruction to be pursued in said schools.

Stationery, printing, fuel, etc.

Fourth—To provide for the school department of said city fuel, light, water, blanks, blank books, printing stationery, and school books, and such other articles, materials, or supplies as may be necessary and appropriate for use in schools or in office of the Superintendent, and to incur such incidental expenses and repairs as may be necessary for the support and maintaining of said schools.

Superintendent's salary, how paid.

Fifth—To order paid monthly from the School Fund of said Salinas City School District the salary of the City School Superintendent.

Children under six years not to attend school.

Sixth—To prohibit any children under six years of age from attending public schools, and generally to do and perform such other acts as may be necessary and proper to carry into effect the powers of said Board granted by this Act and by ordinance of the Common Council of Salinas City. For any services performed by the members of said Board no compensation shall be allowed by the city.

School tax.

Seventh—To determine annually the amount of tax, not exceeding twenty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by taxation upon the property in said city subject to taxation, for the establishment and support of the free public schools in said city, and the furnishing of school-houses, which shall be certified to the Mayor and Common Council before the first Monday in July of each year.

Powers and duties of Superintendent.

SEC. 52. There shall be a City Superintendent of Public Schools, who shall be ex officio Clerk of the Board of Education, and shall have power to administer oaths or affirmations concerning any demand upon the treasury, payable out of the School Fund, or other matters relating to his official duties. It shall be his duty, as said Clerk, to keep a fair and impartial record of all proceedings had, and all orders made, by the Board, or under the direction of the President.

Trustees to examine condition of schools.

SEC. 53. At the last session of the Board in each school term of the year, before proceeding to other business, each Trustee shall be called on to report the condition of the schools in his ward, and the circumstances and wants of the inhabitants thereof in respect to education, and to suggest any defect he may have noted, and improvement he would recommend, in school regulation.

Trustees and Superintendent not to be interested in contracts.

SEC. 54. No School Trustees or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city, and all contracts in violation of this section are declared void; and any Trustee or Super-

intendent violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 55. No teacher shall be employed in any of the public schools of the city without having a certificate issued under the provisions of the general school law of the State of California, and shall have given evidence of good moral character, ability, and fitness to teach; nor shall any person be employed as City Superintendent unless at the time of such employment he shall be possessed of the proper educational qualifications to discharge the duties of said office, as required by this Act and the State school law.

Qualifications of teachers and Superintendent.

SEC. 56. The City Superintendent shall report to the Board of Education annually, and at such other times as they may be required, upon all matters pertaining to the progress of the schools since the last annual report; their condition at the time of making such report; the condition of the houses, lots, and furniture; the number of teachers employed and pupils taught in each of the primary, intermediate, grammar, and high schools; and the cost per pupil, including all ordinary expenses; the amount of the several expenditures for school purposes during the year, with such recommendations as he may deem proper; and he shall file with the City Clerk a true copy of such annual report.

Superintendent to report.

SEC. 57. It shall be the duty of the Superintendent to visit and examine each school with such frequency as the Board of Education may direct; to cause to be observed such general rules for the regulation, government, and instruction of the schools as may be established by the Board of Education; to attend the sessions of the Board, and to inform them at each session of the condition of the public schools, school-houses, school funds, and other matters connected therewith; and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon; and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians; and shall do and perform such other duties as may be required of him by the Board of Education.

Duties of Superintendent

SEC. 58. Any vacancy in the office of School Trustee shall be filled by appointment by the Board of Education, and such appointees shall hold office respectively until the first Monday in July succeeding the election and qualification of their successors in office; but no such appointment shall be valid unless the appointee be, at the time of appointment, an elector in the ward wherein the vacancy occurred.

Vacancies in Trustees, how filled.

SEC. 59. The school funds of Salinas City School District shall consist of all moneys received from the State School Fund, and moneys received from a due apportionment of the County School Fund, and all moneys levied and collected for school purposes within said Salinas City School District, and of such other moneys as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and

Disposition of school funds.

shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for keeping or disbursing any school moneys, and if at the expiration of the fiscal year any surplus remains in the School Fund, such surplus moneys shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this Act.

SEC. 60. The School Fund shall be used and appropriated by the Board of Education for the following purposes, to wit:

Same. *First*—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

Same. *Second*—For making all necessary repairs, and supplying the schools with lights, fuel, water, apparatus, blank books, and necessary school appliances, together with books for indigent children.

Same. *Third*—For supplying books, printing, and stationery, for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department, and the insurance of school-houses.

Claims against School Fund, how paid. SEC. 61. All claims incurred by the Board of Education, payable out of the School Fund, excepting the coupons for interest and school bonds which may hereafter be issued according to the provisions of this Act, shall be filed with the Clerk of the Board, and after they have been approved by a majority of all the members of said Board, they shall be signed by the President of the Board of Education, whose signature, indorsed on said claim, shall be a certificate of its approval by the Board. It shall then be the duty of the Clerk of said Board to issue warrants for the amount of said allowed and certified claims in favor of the claimant, which warrants shall be countersigned by said President. For teachers' salaries, warrants shall be issued monthly.

Same. SEC. 62. Claims against the School Fund may be audited and approved in the usual manner, although there shall not at the time be money in the treasury for the payment of the same; *provided*, that no demand on said fund shall be paid out of or become a charge against the School Fund of any subsequent year; *and further provided*, that the entire expenditures of the school department, for all purposes, shall not, in any fiscal year, exceed the revenue for school purposes of the same year.

Treasurer to pay warrants. SEC. 63. All demands authorized by this Act, when audited and approved and warrants issued thereon, as herein prescribed, shall be presented to the City Treasurer for payment, and the Treasurer is hereby authorized and required to pay the same from the School Fund of the district, or if the funds of said Salinas City School District shall be in the hands of a bank depository, as hereinbefore provided for, said warrant thus drawn, signed, and countersigned by the City Treasurer, shall be paid by said bank depository; *provided*, the Board of Education shall not have any power, and they are expressly prohibited from contracting any debt or liability, or incurring, in any form whatsoever, any debt

against said Salinas City School District, in contravention of this Act.

SEC. 64. All lots known as school lots within the corporate limits of Salinas City, and lots or parcels of land heretofore belonging to Salinas City School District, or that may be hereafter purchased or otherwise acquired for school purposes, are hereby fully vested in the Mayor and Common Council of Salinas City, in trust for the use and benefit of the public schools of Salinas City School District, and the Mayor and Common Council are hereby authorized to sell, transfer, or exchange the same for other lots and lands, if in their opinion the interests of the public schools will be best secured by so doing, and no moneys received from such sale or exchange shall be diverted from the School Fund of said Salinas City School District.

Disposal of school lots.

SEC. 65. The School Superintendent of Monterey County, as soon as he shall make an apportionment of any school fund or moneys to the several districts of said county, shall immediately draw his warrant upon the County Treasurer of said county in favor of the City Treasurer of Salinas City for the amount of money said city is entitled to, and place his warrant in the hands of the City Treasurer, taking his duplicate receipt therefor, one of which he shall file with the City Clerk, and upon presentation, the Treasurer of Monterey County shall pay said warrant, which shall be indorsed by the City Treasurer. The City Treasurer shall immediately place the moneys so received to the credit of the several funds of Salinas City School District, as provided in this Act.

County Superintendent by transfer school moneys.

SEC. 66. The City Treasurer, upon the receipt of any school moneys, shall apportion the same in the following manner:

Apportionment by City Treasurer.

First—All moneys received from the State School Fund shall be placed to the credit of the State School Fund.

Second—All moneys received from the County School Fund shall be placed to the credit of the County School Fund.

Third—All moneys received from Salinas City School District, or otherwise, shall be placed to the credit of Salinas School District Fund.

The State School Fund shall be used for no other purpose than the payment of teachers.

SEC. 67. It shall be the duty of the Clerk of the Board of Education to show in the minutes of said Board upon what fund each claim allowed against Salinas City School District is ordered paid out of, and also the nature of the claim allowed.

Claims, nature of and from what fund paid.

SEC. 68. From and after the passage of this Act, Salinas City, to the extent of its corporate limits in the County of Monterey, shall constitute one separate district for road purposes, to be known as Salinas City Road District.

Limits of Salinas City Road District defined.

SEC. 69. All taxes, general and special, to be levied and collected for road purposes under the laws of this State, or that may be hereafter in force therein, shall constitute the Road Fund of the road district of Salinas City, and shall be laid out and expended by and under the direction and within the discretion of the Mayor and Common Council

Salinas City District Road Fund, how constituted.

of said city, in the construction and repair of bridges and culverts, and the improvement and repair of roads and streets within said district.

Assessment
lists.

SEC. 70. From and after the date of the passage of this Act, it shall be the duty of the officers of and within said county, charged with the assessment of property, and collections of all taxes, general and special, for road purposes, within said Salinas City, to keep a separate and distinct list or assessment of all property within the limits of said road district of Salinas City, and a separate account of all taxes, general and special, collected therein for road purposes, and the same shall be paid over to the County Treasurer of said county, by him to be kept separate, as the Road Fund of Salinas City Road District; *provided*, that the City Collector of Salinas City shall be Road Overseer of said road district for the collection of road poll-taxes, and shall collect the amount levied by the Board of Supervisors of Monterey County for road poll-taxes, in money only, and shall pay all moneys so collected to the City Treasurer and take his duplicate receipt therefor, one of which he shall deposit with the City Clerk; and any receipt of the Treasurer for said poll-taxes shall be a sufficient voucher to the City Collector for settlement with the Board of Supervisors of said county, and for such services the City Collector shall receive no other pay or compensation than shall be allowed by the Mayor and Common Council.

City Collect-
or to be Road
Overseer.

Auditor to
draw war-
rants on
Treasurer.

SEC. 71. It shall be the duty of the County Auditor of said county, upon the receipt of the order of the Mayor and Common Council of Salinas City, certified by the City Clerk, to draw his warrant upon the County Treasurer of said county in favor of the City Treasurer of Salinas City for any sum not to exceed the amount in said fund belonging to said road district of Salinas City, which the said Mayor and Common Council may order paid, and it shall be the duty of said County Treasurer to pay out of said fund the amount of said warrant upon presentation.

Treasurer to
pay same.

SEC. 72. It shall be the duty of the City Treasurer, upon receipt of moneys accruing to the road district of Salinas City under the provisions of this Act, to place the same to the credit of the Road Fund of said city, and to pay the same out upon warrants properly drawn upon said fund.

Board of
Education to
pay indebt-
edness of
school
district.

SEC. 73. The Board of Education of Salinas City are hereby empowered and authorized to use any moneys belonging to Salinas City School District, which is now or may be in the hands of the Treasurer prior to the thirty-first day of March, A. D. eighteen hundred and seventy-seven (excepting the funds applicable only to the payment of teachers and Library Fund), to the paying off of any and all indebtedness now subsisting against said school district, whether contracted by the Board of Education of said district or the Mayor and Common Council of Salinas City.

Additional
powers of
Mayor and
Common
Council.

SEC. 74. The Mayor and Common Council shall have the power of fixing the amount and mode of paying the compensation of all officers performing services for the city in collecting delinquent taxes.

SEC. 75. It shall be competent for the Mayor and Common Council to have the printing and publishing provided for in this Act done in any weekly or daily newspaper published in Salinas City.

SEC. 76. The active members of the Salinas City Fire Department shall be and are hereby exempt from the payment of any road poll-tax which may be levied by the Board of Supervisors of Monterey County. Firemen to be exempt from road poll-tax.

SEC. 77. The fiscal year in and for Salinas City shall commence on the first day of April, each and every year, and end on the thirty-first day of March thereafter.

SEC. 78. The style of enacting clause of all ordinances of Salinas City shall be: Be it ordained by the Mayor and Common Council of Salinas City as follows.

SEC. 79. An Act entitled an Act to incorporate Salinas City, approved March fourth, eighteen hundred and seventy-four, and all Acts and portions of Acts of the Legislature of the State of California which conflict in any manner with this Act or any portion thereof, are hereby repealed; *provided*, that the ordinances and proceedings of the Mayor and Common Council and all city officers of Salinas City shall in no wise be affected by their repeal; *and provided further*, that all Acts done, ordinances passed, or proceedings had by the Mayor and Common Council and all officers of Salinas City are hereby validated, confirmed, and declared to be legal; *provided further*, that all officers of Salinas City shall continue to hold office who are now holding office, notwithstanding the passage of this Act, until their successors are duly elected and qualified, and regularly take office under the provisions of this Act, and shall discharge all the duties incumbent upon said officers under the provisions of this Act; *and provided further*, that the assessment, equalization, and levy of taxes thereon for Salinas City, for the fiscal year, March thirty-first, eighteen hundred and seventy-six, are hereby declared valid and legal. Act repealed.
Acts of Mayor and Common Council confirmed, etc.

SEC. 80. This Act shall take effect and be in force from and after its passage.

CHAP. CXX.—*An Act to amend an Act entitled an Act to incorporate the City of Visalia, and provide for public schools therein, approved February twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 3, 1876.]

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

SECTION 1. Section seven of an Act entitled "An Act to incorporate the City of Visalia, and provide for public schools therein," approved February twenty-seventh, eighteen hundred and seventy-four, is amended to read as follows: Section 7. The Common Council shall have power to levy Powers of Common Council.

and collect taxes for municipal purposes, not to exceed one hundred cents on the one hundred dollars' worth of taxable property of said City of Visalia; and to collect all road poll-taxes authorized by law to be collected of residents of said city; *provided*, that all bridges to be built, and highways or streets to be repaired, within the city limits, shall be done at the expense, and be under the control, of said City of Visalia. And may levy and collect thirty-five cents on the one hundred dollars' worth of taxable property, for the payment of school teachers for any one year; and may, also, upon the written application of three-fifths of the Board of Education, levy and collect a special tax, not to exceed sixty-five cents on the one hundred dollars' worth of taxable property in said city, for the special purpose of building additional school-rooms.

Public debt,
amount not
to exceed.

SEC. 2. Section eight of said Act is amended to read as follows: Section 8. The public debt of the City of Visalia, for municipal purposes, shall at no time exceed the sum of six thousand dollars; and the debt for school purposes shall not exceed the sum of four thousand dollars; and the total debt of the City of Visalia shall not exceed the sum of ten thousand dollars.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they relate to the City of Visalia, are hereby repealed.

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

CHAP. CXXI.—*An Act to amend an Act entitled "An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Red Bluff," approved February twenty-first, eighteen hundred and sixty.*

[Approved March 3, 1876.]

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

Franchise
extended.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. The right granted hereby shall extend for the period of thirty-five years, from and after the date of the passage of this Act; *provided*, that after the expiration of the franchise referred to in the Act of which this is amendatory, the right hereby granted shall not be exclusive, and the extension of the franchise hereby granted shall be subject to the same limitations and conditions as are provided in the Act of which this Act is amendatory.

CHAP. CXXII.—[See volume of *Amendments to the Codes.*]

CHAP. CXXIII.—*An Act in relation to the offices of Coroner and Public Administrator of the County of Santa Cruz.*

[Approved March 3, 1876.]

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

SECTION 1. The official oath and bond of the Coroner and of the Public Administrator, elected at the general election of one thousand eight hundred and seventy-five, in and for the County of Santa Cruz, are hereby legalized and made as valid and binding as if the same had been filed within the time required by law; *provided*, said oaths and bonds are in all other respects conformable to law.

Oath and bond confirmed.

SEC. 2. This Act shall take effect immediately.

CHAP. CXXIV.—*An Act to grant further powers to the Trustees of the City of Benicia.*

[Approved March 3, 1876.]

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

SECTION 1. The Trustees of the City of Benicia are hereby authorized to improve the north half of block number forty-two, in said city, as a public square, and to pay for the fence around the same at a total cost of not exceeding four hundred dollars, and to expend hereafter, annually, in keeping said square and fence in repair, a sum not exceeding seventy-five dollars; and the said Trustees are also authorized to purchase land adjoining the City Cemetery, at a price not exceeding four hundred dollars.

City Trustees empowered to improve public square, etc.

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

CHAP. CXXV.—[See volume of *Amendments to the Codes.*]

CHAP. CXXVI.—*An Act amendatory of and supplementary to an Act entitled "An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma," approved January sixth, eighteen hundred and seventy-two.*

[Approved March 3, 1876.]

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

SECTION 1. Section five of said Act is amended to read as follows: Section 5. The said Board are hereby author-

Board of Education to appoint Secretary.

Duties of
Secretary.

ized to elect a Secretary, who may be a member thereof, subject to removal at the pleasure of the Board. The Secretary shall report to the Board annually, and at such other times as they may require, all matters pertaining to the expense, income, condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules and regulations for the government of, and instruction in, the schools, not inconsistent with the laws of the State, as may be established by the Board of Education. He shall attend the sessions of the Board, and inform them at each session of the condition of the public schools, school-houses, School Funds, and other matters connected therewith; and recommend such measures as he may deem necessary for the advancement of education in the city, and shall perform such other duties as may be required of him by the Board. He shall receive as compensation for his services, payable out of the School Fund, such sum as the Board of Education from time to time may allow.

Board to fix
compensa-
tion.

City Board of
Examina-
tion. Same
to grant
certificates.

SEC. 2. Section fifteen of said Act is amended to read as follows: Section 15. The Board of Education of the City of Petaluma shall have the power to appoint a City Board of Examination, which shall consist of not less than two nor more than five persons, two of whom shall be teachers and holders of first-grade certificates. Said Board of Examination are authorized to grant certificates of the third grade, without examination, to teachers who have taught successfully for one full term in the public schools of said city.

Debts and
contracts not
affected.

SEC. 3. Sections sixteen and seventeen of said Act are hereby repealed; but said repeal shall not affect any debts already created, contracts entered into, or liabilities incurred under and by virtue of said Act.

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

CHAP. CXXVII.—*An Act to amend an Act entitled an Act concerning the employment of teachers in the public schools, in the Counties of Trinity and Shasta, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 3, 1876.]

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

Qualifica-
tions of
teachers.

SECTION 1. Section one of said Act is hereby amended to read as follows: Section 1. The Board of Trustees of any of the public schools in the Counties of Trinity and Shasta, where there are less than twenty-one school children in the school district, are hereby authorized to employ any suitable person to teach in their districts, not having the legal certificate of a teacher, whenever a majority of the parents or guardians of children in their districts shall so petition.

SEC. 2. Section two of said Act is hereby amended to read as follows: Section 2. The employment of such teachers in any district in said counties shall not operate to prevent the apportionment thereto of any State or county moneys which would otherwise be so apportioned; and the Superintendents of Public Schools, and the County Treasurers of said counties, are hereby directed, in their respective duties, to apportion moneys, draw warrants, pay the same, and do all other acts that they, in their official capacities, would be required to do if said schools had teachers holding legal certificates.

Official duties not to be invalidated.

[SEC. 3.] Section three of said Act is hereby amended to read as follows: Section 3. All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAP. CXXVIII.—*An Act to change the name of Tule River School District, in the County of Tulare, to that of Porterville School District, and to provide for additional school facilities therein.*

[Approved March 3, 1876.]

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

SECTION 1. The name of Tule River School District, in the County of Tulare, is hereby changed to that of Porterville School District, and shall hereafter be known in law by that name; and said Porterville School District shall succeed to all the rights, titles, property, liabilities, debts, and obligations, in law and in equity, that pertain to the Tule River School District, subject only to the school law of this State and the provisions of this Act.

Change of name of district.

SEC. 2. The Trustees of Porterville School District are hereby authorized and directed to levy a tax on all the property in the district of such number of cents on each one hundred dollars' worth of taxable property as will in three years pay off the outstanding indebtedness of said district and complete or build and furnish sufficient school-rooms to accommodate the school children of said district; *provided*, that the total amount of money to be raised under this Act during the three years shall not exceed the sum of five thousand dollars.

Trustees to levy tax for school purposes.

SEC. 3. Within sixty days after the passage of this Act, and on the first Monday in April in each year thereafter for three years, the Trustees of said district must order an election for a District Assessor and Collector (but one person may fill both offices), for the purposes of this Act, who must qualify according to law.

Assessor and Collector to be elected.

SEC. 4. The Assessor and Collector, in assessing and collecting the tax herein provided for, must be governed by the law governing County Assessors and County Tax Collectors.

Collector to
pay over
moneys.

SEC. 5. The Tax Collector must pay over all money collected by him under the provisions of this Act to the County Treasurer of Tulare County, to be held by said County Treasurer subject to the order of the Trustees of Porterville School District, for the purposes mentioned in this Act.

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

CHAP. CXXIX.—[See volume of *Amendments to the Codes*.]

CHAP. CXXX.—*An Act fixing the terms of the members of the Board of Supervisors of Monterey County, and for other purposes.*

[Approved March 3, 1876.]

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

Number of
supervisor
districts.

SECTION 1. Monterey County shall consist of four supervisorial districts, the same as were established by the Board of Supervisors thereof on the third day of April, A. D. eighteen hundred and seventy-four, and designated respectively as follows: District Number One, Monterey Supervisorial District; Number Two, Pajaro Supervisorial District; Number Three, Alisal Supervisorial District; Number Four, San Antonio [Supervisorial District].

Board to consist of five members.

SEC. 2. The Board of Supervisors of Monterey County shall consist of five members. Each supervisorial district shall be represented by one member, who shall be an elector of the district he represents; and the county at large, by one member, who shall be Chairman of the Board.

Terms of office.

SEC. 3. The present Supervisor of District Number One (Monterey) shall hold office until the fifth Monday of January, A. D. eighteen hundred and seventy-seven. The present Supervisor of District Number Two (Pajaro) shall hold office until the first Monday of January, A. D. eighteen hundred and seventy-nine. The present Supervisor of District Number Three (Alisal) shall hold office until the first Monday of January, A. D. eighteen hundred and seventy-eight. The present Supervisor of District Number Four (San Antonio) shall hold office until the first Monday of January, A. D. eighteen hundred and seventy-seven. The present Supervisor at large shall hold office until the first Monday of January, A. D. eighteen hundred and seventy-seven.

Same.

SEC. 4. After the expiration of the terms as provided in section three of this Act, the term of each Supervisor shall be three years; said terms to commence on the first Monday of January, in which the respective terms provided for in said section three shall expire, and every three years there-

after (save and except in District Number Four the Supervisor who shall take his seat for said District Number Four, on the first Monday of January, A. D. eighteen hundred and seventy-seven, shall hold office for four years, but his successors shall hold office for three years only).

SEC. 5. Each of said Supervisors shall by elected at the election (whether general or Presidential) which next precedes the year on which his term of office commences, and in those years when there is no general or Presidential election the Supervisors shall call a special election for the Supervisor or Supervisors whose terms shall expire on the first Monday of the next January.

Supervisors,
when
elected.

SEC. 6. Said Board of Supervisors shall receive for their services the fees prescribed by an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy.

Compensation
of
Supervisors.

SEC. 7. Except as is provided in this Act, said Board of Supervisors shall be governed by the provisions of the Political and other Codes of this State.

SEC. 8. All Acts that conflict with this Act are hereby repealed.

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

CHAP. CXXXI.—*An Act to authorize the Trustees of the Town of Hollister to issue bonds for water and fire purposes.*

[Approved March 3, 1876.]

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

SECTION 1. The Board of Trustees of the Town of Hollister, in San Benito County, is hereby authorized and empowered to issue the bonds of said Town of Hollister in the sum of ten thousand (\$10,000) dollars, payable at any time after the first day of January, A. D. eighteen hundred and eighty-one, and to be paid within fifteen years thereafter, with interest thereon from date of issue at the rate of ten (10) per cent. per annum, principal and interest payable in gold coin only. Said bonds shall be issued in the denomination of five hundred dollars each, numbered consecutively, and shall be signed by the President of the Board of Trustees, and countersigned by the Town Clerk of said Town of Hollister. Interest coupons shall be attached thereto, and signed in like manner.

Trustees to
issue bonds.

SEC. 2. Said Board of Trustees is hereby authorized and empowered to deliver said bonds in said sum of ten thousand (\$10,000) dollars to R. M. Shackelford or his assigns, upon said Shackelford or his assigns fully complying, to the satisfaction of said Board of Trustees, with the terms of charter ordinance number sixteen, passed and approved by said

Bonds to be
delivered to
R. M. Shack-
elford.

Board of Trustees, and the President thereof, the twenty-seventh day of September, eighteen hundred and seventy-five, entitled, "An ordinance in relation to supplying the inhabitants of the Town of Hollister with water."

Bonds and coupons, where paid.

SEC. 3. Said bonds and coupons shall be paid at the office of the Town Treasurer of said Town of Hollister; and when any bonds or coupons are paid, they shall be canceled by the said Treasurer, delivered to the Town Clerk, and destroyed by the Board of Trustees. The Town Clerk shall keep an accurate account of all bonds and coupons issued, and of all coupons and bonds redeemed and destroyed.

SEC. 4. Said coupons shall bear date of their issuance, and be numbered in the order in which they are to be paid. The first coupon shall be for interest from their date up to the first day of December next succeeding.

Bond Interest Fund.

SEC. 5. For the purpose of paying the interest on said bonds, the Board of Trustees of said town shall, at the time of levying town taxes for each year, levy a special tax on all the property in said town sufficient to pay the interest for one year on said bonds then outstanding. The special tax thus levied shall be assessed and collected as other town taxes are assessed and collected, and shall be set apart as a special fund, to be known as the "Bond Interest Fund," and out of said fund the coupons on said bonds shall be paid as they fall due.

Surplus fund.

SEC. 6. If the amount realized from said special fund exceeds the amount required to pay the interest due in any one year for which it has been collected, the Board of Trustees may transfer such surplus to the Town General Fund.

Redemption Bond Fund.

SEC. 7. In the year eighteen hundred and eighty-one (1881), and every year thereafter, as herein named, said Board of Trustees of said town shall levy, and cause to be collected, a tax sufficient to pay at least seven (7) per centum of said bonds, and before the year eighteen hundred and ninety-six (1896) shall levy sufficient tax to redeem the whole of said bonds, and the tax thus levied and collected shall be set apart as a special fund, and known as the "Redemption Bond Fund."

Treasurer to redeem bonds, notice of.

SEC. 8. On the fifteenth day of November, eighteen hundred and eighty-one (1881), and every year thereafter until said bonds are redeemed, the Town Treasurer shall give notice, by advertising in some newspaper in San Benito County, for two consecutive weeks, that he is prepared to redeem said bonds in such amount as there may be funds in the treasury derived from the tax required to be levied and collected by section seven of this Act. The Treasurer shall specify in said notice the number of bonds he is ready to redeem, in the order in which they are issued. After notice is thus given, the bonds designated shall cease to bear interest.

Fire department bonds

SEC. 9. Said Board of Trustees of said Town of Hollister is hereby further authorized to issue the bonds of said town in a sum not exceeding five thousand dollars, said bonds to be issued in all respects in same manner as designated for the issuing of bonds in "section one" of this Act, and the inter-

est coupons thereof; and said bonds shall be redeemed within the times and manner as said first-named coupons and bonds; and said Board of Trustees shall annually levy and collect sufficient tax, in the manner and time hereinbefore named, for the redemption of said interest coupons and, when due, for the redemption of said bonds. Said bonds shall be known as the Fire Department Bonds, and the said tax so collected shall be set apart and known as the "Fire Department Redemption Fund;" and said Town Treasurer shall redeem said interest coupons and said bonds in the same manner as named for the redemption of said first-named coupons and bonds.

SEC. 10. Said Board of Trustees of said Town of Hollister is hereby authorized to sell any or all of said bonds, not exceeding said sum of five thousand dollars, either at private sale or after receiving proposals therefor; *provided*, said bonds shall not be sold for less than ninety-five cents on the dollar, gold coin. Said Board of Trustees shall have the right to reject any and all bids and offers for said bonds. Trustees to sell bonds

SEC. 11. Said funds derived from the sale of said last-named bonds shall be set apart and used by said Trustees exclusively for the purpose of erecting or purchasing a building for town uses, and equipping a fire department for said Town of Hollister; and said Board of Trustees are hereby authorized to expend so much of said money so received from the sale of said bonds as may be necessary to construct or purchase said building and equip said fire department. Proceeds of sales of bonds, how to be used

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CXXXII.—*An Act to regulate fees in the County of Alameda.*

[Approved March 6, 1876.]

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

SECTION 1. In the County of Alameda the following fees, and none others, shall be collected by the officers herein named, for services as provided by this Act, and paid into the county treasury.

SEC. 2. The Clerk of the District Court, of the Third Judicial District, shall collect: For services performed by him before trial, including indexing and judgment by default, or dismissal of action, and the entering up of the same in any action or proceeding, seven dollars; for the trial, swearing the jury and witnesses, and for all proceedings subsequent to the trial, including the entry of judgment, to be paid by the party moving the same, five dollars. Said Clerk shall also collect as follows: For filing and entering papers on transfer of cases from other Courts, including indexing, three dollars; for transmission of files or transfer of cases to other Fees of Clerk of District Court.

Courts, two dollars; for administering and certifying oaths, except oaths administered at the trial to jury and witnesses, fifty cents; for certifying transcripts on appeal and exemplifications of record, besides the charges allowed in this Act for copying, fifty cents; for taking and certifying depositions, twenty cents per folio; for certifying under seal to the official character and signature of officers, fifty cents; for acknowledgment of deeds or other instrument, including all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for taking justification of sureties, fifty cents, and for taking testimony thereon, twenty cents per folio; for attending in his official capacity as a witness in a civil suit, within said county, two dollars, and for bringing the records of his office, fifty cents additional; for attending in his official capacity as witness in a civil suit outside of said county, and conveying any records of his office to the place of trial, five dollars, and he shall collect in addition thereto, for traveling to the place of trial, for each mile, twenty cents, and out of said sums he may pay his necessary expenses; for filing a transcript of judgment from any other Court, twenty-five cents; for recording the same, when required by law, twelve and one-half cents per folio; and for docketing the same, for each entry on docket, twenty-five cents; for drawing an affidavit, bond, or other paper, per folio, twenty cents.

Fees of Clerk
of County
Court.

SEC. 3. The Clerk of the County Court shall collect: For all services performed by him in cases appealed from Justices' Courts, before trial, three dollars; for the trial and all subsequent proceedings, including final judgment, to be paid by the party moving the same, five dollars; for filing transcripts of judgment of Justices' Courts, for docketing the same and issuing execution thereon, two dollars; for recording certificates of incorporation, where recording is required by law, twelve and one-half cents per folio, and for filing the same, twenty-five cents; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, twelve and one-half cents per folio; for filing official bonds, twenty-five cents; for recording the same, where recording is required by law, twelve and one-half cents per folio; for filing and indexing certificates of partnership, fifty cents; for issuing marriage licenses, one dollar. The fees prescribed in the foregoing section, as far as they are applicable to the County Court, shall be collected by the Clerk thereof. In all cases in which the County Court has, or may have, original jurisdiction, the Clerk thereof shall collect the same fees as are herein allowed in cases appealed from Justices' Courts; and for all other services not herein enumerated the same fees shall be collected by the Clerk of the County Court as are herein allowed in the said District Court for similar services.

Fees of Clerk
of Probate
Court.

SEC. 4. The Clerk of the Probate Court shall collect: For entering and indexing each action or proceeding in the Clerk's register of actions and in general index, twenty-

five cents; for filing each paper, ten cents; for writing and posting notices, for each copy, twenty-five cents; for making affidavit of posting notices, fifty cents; for issuing each notice for publication, twenty-five cents; for issuing each citation or subpoena, fifty cents; for issuing letters testamentary, or of administration, guardianship, or special administration, each fifty cents; and for recording the same, each fifty cents; for recording wills, bonds, orders of Court, and all other instruments required by law to be recorded, for each folio, twelve and one-half cents; for all certificates under seal, not herein enumerated, fifty cents; for filing and entering each claim against an estate in book of claims, twenty-five cents; for all other services the same fees as are allowed the Clerk of the District Court for similar services. The Clerk of the Probate Court shall be entitled to demand and receive, at the commencement of any action or proceeding in said Court, not to exceed fifteen dollars, to cover costs; and should the sum received by the Clerk be insufficient to cover all costs, he shall be entitled to demand and receive, from time to time, such further sum or sums as he may deem necessary to cover the costs to final termination of the action or proceeding; any excess of fees advanced in any action or proceeding in said Court shall, at the termination thereof, be returned by the Clerk to the party who advanced the same, on demand.

SEC. 5. The Clerk of the Board of Supervisors shall collect: For all certificates under seal, fifty cents; for administering and certifying all oaths, except oaths administered to witnesses before the Board of Supervisors, and oaths to claims against the county, fifty cents; for each bridge or ferry license issued, one dollar; for all other services, the same fees as are allowed the Clerk of the District Court for similar services.

Fees of Clerk of Board of Supervisors.

SEC. 6. The Clerks of the several Courts, and the Clerk of the Board of Supervisors above named, shall receive no other fees for any services whatever, performed by them in any action, case, or proceeding, except for copies of papers, record, or proceeding, furnished at the request of any person, for which they shall be allowed at the rate of twelve and one-half cents per folio; *provided*, that in all cases commenced in said County and District Courts previous to the time this Act takes effect, the same fees shall be collected by the Clerk as are prescribed in an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy; and said fees so collected shall be paid into the county treasury and apportioned to the Salary Fund of said county, as in this Act provided.

Fees for other services.

SEC. 7. The word "folio," wherever the same may be used in this Act, shall be understood to mean one hundred words.

"Folio" defined.

SEC. 8. In case of any violation of any of the provisions of this Act the party receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs of suit, and

Penalty for receiving excess of fees.

shall be further liable to impeachment or removal from office, or both.

Judges may
remit fees.

SEC. 9. The Judges of the District Court and Probate Courts, in and for the County of Alameda, may, upon proper showing of the disability of any person to pay the legal fees, remit the same, or any part thereof, by an order in writing directed to the Clerk of the proper Court.

SEC. 10. All Acts or parts of Acts, so far as they conflict with the provisions of the foregoing Act, are hereby repealed.

County
Clerk to pay
over fees.

SEC. 11. All fees collected by the County Clerk of the County of Alameda, in his several official capacities, shall be paid into the treasury of said county on the first Monday of each month, and be placed to the credit of the "Salary Fund" by the Treasurer; and a transcript of such fees, duly verified by oath, shall be filed with the County Auditor, as provided in section three of an Act entitled "An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes," approved February twenty-seventh, eighteen hundred and seventy-four; and until such transcript of fees is filed with the Auditor the County Clerk shall not be entitled to receive a warrant for his salary.

SEC. 12. This Act shall be in force from and after the first Monday of March, A. D. one thousand eight hundred and seventy-six.

CHAP. CXXXIII.—*An Act to regulate the fees of the Sheriff of Los Angeles County.*

[Approved March 6, 1876.]

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

Fees and
mileage of
Sheriff.

SECTION 1. In addition to the fees and compensation now allowed by law to the Sheriff of Los Angeles County, the Sheriff of said county is allowed and shall be entitled to receive the fees hereinafter specified: For making every arrest in a criminal proceeding, two dollars; for summoning a Grand Jury of twenty-four persons, three dollars; for summoning each trial jury of twelve persons, in a criminal case, two dollars; for each additional juror, twenty cents; for service of any process in criminal cases, for each mile necessarily traveled, in going only, twenty cents; *provided, however,* that in serving subpoena or venire, in criminal cases, he shall receive mileage for the most distant only, when witnesses or jurors live in the same direction.

SEC. 2. This Act shall take effect from and after the first Monday in March, eighteen hundred and seventy-six.

CHAP. CXXXIV.—*An Act concerning the construction and repair of levees in the City of Marysville, and the mode of raising revenue therefor.*

[Approved March 6, 1876.]

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

SECTION 1. A Board of City Levee Commissioners, with the powers and duties hereinafter provided, is hereby created for the City of Marysville. At the city election held for said city in the year eighteen hundred and seventy-six, and at the city election every four years thereafter, there shall be elected by the qualified electors of the City of Marysville three persons from the qualified electors of said city who shall constitute a Board of Levee Commissioners, who shall each hold their office for the term of four years from the first Monday in April, eighteen hundred and seventy-six, and until their successors are elected and qualified.

Election and term of office of Levee Commissioners.

SEC. 2. The members of said Board shall meet on the first Monday in April, at the City Hall of said City of Marysville, and proceed to elect one of said Board as a President thereof, and in case any vacancy occurs in said Board it shall be filled by the remaining members of said Board.

Organization of Board.

SEC. 3. No person shall act as a Levee Commissioner until he has taken the constitutional oath of office, and given a bond in the sum of ten thousand dollars, with at least two sureties, to be approved by the Common Council of said city, conditioned for the faithful performance of his duties; nor shall any Commissioner receive any pay for his services. And if any Commissioner shall in any manner, either directly or indirectly, be interested in any contract for constructing or repairing any levee, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not more than six months, or both such fine and imprisonment.

Bonds of Commissioners.

Misdemeanor.

SEC. 4. The Board of City Levee Commissioners herein created shall, from personal inspection and examination, annually, on or before the time provided by law for the levy of the general city taxes of said city, make and certify to the Mayor and Common Council of said city an estimate of the amount of money that will be necessary to pay any outstanding floating indebtedness, and to put the levees under their control, and the works for their protection, in perfect repair, and to keep them so during the year; and the Common Council of said city shall levy upon all taxable property within said city levee a tax sufficient to produce the whole amount of money so estimated to be required, less the sum, if any there be, in the City Levee Fund. The taxes levied under this section shall be collected the same as other city taxes are authorized to be collected, and shall be paid to the City Treasurer of said city, and be credited by him to a fund hereby created, and to be known as the "City Levee Fund," and the money shall only be drawn from said fund upon warrants

City Levee Fund, how created.

for claims for levee purposes, allowed and approved by a majority of the Levee Commissioners, and signed by the President and Secretary of said Board.

Powers of
Levee Com-
missioners.

SEC. 5. The Board of Levee Commissioners created by this Act shall have full power, as soon as they are elected and qualified, to take immediate charge, care, and control of the levee or levees now built and constructed by said city, and to strengthen, repair, alter, or extend the same wherever necessary, and to employ one or more Overseers of said levees, who shall continue to act as such Overseers for such period of time as said Board may direct, and to be paid such per diem as said Board shall fix by warrant drawn on said City Levee Fund.

Clerk.

SEC. 6. The City Clerk of said City of Marysville shall be ex officio Clerk of the Board of Levee Commissioners hereby created, and shall keep a full and complete record of all proceedings of said Board.

Duties of
Overseer.

SEC. 7. Each Overseer shall keep a correct account of the number of days that each person under his control may work, for which he shall give a receipt to the person performing such work, stating the number of days both in person, or with team of horses or oxen; such receipt shall be sworn to by the person performing the work, and be presented to said Board of Commissioners hereby created, whereupon, if said account be correct, the Board shall allow and approve the same, and order a warrant on said City Levee Fund for its payment.

Levee Com-
missioners
may con-
demn lands.

SEC. 8. The Board of City Levee Commissioners, their agents and employés, may enter upon and take possession of any land that may be necessary for the levee, within the boundaries of said city, or any land either in the city or in the County of Yuba, outside of the city, that may be necessary or proper to furnish material for its construction, and may have the same condemned for such purpose by legal proceedings, in their name and in accordance with the Codes of the State of California, or any amendments thereto that may hereafter be enacted.

Impairing
levees a
felony.

SEC. 9. Any person or persons who shall maliciously cut, or in any way impair any part or portion of the levee of said City of Marysville, with intent to injure the same, shall be deemed guilty of a felony, and, upon conviction, be punished by imprisonment in the State Prison for a term not less than one year nor more than five years.

SEC. 10. This Act shall go into effect from and after its passage.

CHAP. CXXXV.—*An Act to provide for the future management of the Napa State Asylum for the Insane.*

[Approved March 6, 1876.]

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 five Trustees to manage the affairs of the Napa State Asylum for the Insane, three of whom shall be residents of Napa County; and he shall designate at the time of the appointment the respective terms of office of said Trustees, under the following classification, to wit: three of said Trustees shall serve for two years and two of said Trustees shall serve for four years from the time of their appointment. Their successors shall be appointed by the Governor, and shall hold their offices for the term of four years and until their successors are appointed and qualified. In case of a vacancy occurring in said Board the Governor shall appoint, in manner aforesaid, to fill the unexpired term.

Governor to
appoint five
Trustees.

SEC. 2. The Trustees provided for in the preceding section shall qualify by taking the usual oath of office, and shall, within ten days after such qualification, organize themselves into a Board by the election of one of their number as President, and the Secretary and Treasurer hereinafter provided for, and, as soon as such organization has been perfected, they shall notify the same to the "Board of Directors" created under "An Act to provide further accommodation for the insane of the State of California, and to provide a special fund therefor," approved March twenty-seventh, eighteen hundred and seventy-two, by serving a notice of that fact on the Secretary or President of said Board of Directors.

Trustees to
organize.

SEC. 3. As soon as the said "Board of Directors" of the Napa State Asylum for the Insane shall receive the notification referred to in the preceding section of this Act, their offices, and also those of all persons receiving appointments by, through, or under them, shall become vacant, and their functions as a Board and as Directors, officers, and employes shall cease to exist.

Offices
declared
vacant.

SEC. 4. Upon receiving the said notification, it shall be the duty of the said "Board of Directors," their Secretary and Treasurer, Medical Superintendent, officers and employes, to prepare a list of all books, papers, moneys, property, and effects of every kind and nature whatever belonging to the Napa State Asylum for the Insane, or in their possession, or under their control, and deliver the said list, together with the articles enumerated therein, upon the order of the President of the Board of Trustees created by this Act, taking duplicate receipts therefor, and filing one with the State Board of Examiners.

Directors to
turn over
books and
property.

SEC. 5. The Trustees created under this Act shall, as soon as funds are provided by the Legislature, cause the buildings

Trustees to
complete
buildings.

of the Napa State Asylum for the Insane to be completed, and the grounds and premises to be improved, under plans now existing, as soon as practicable; *provided*, that such alterations as will reduce the cost of construction of the said asylum may be made by said Board of Trustees; but no contracts must be entered into or liabilities incurred beyond the amount appropriated by the Legislature.

Restriction of powers

Trustees not to be interested parties

SEC. 6. The Trustees and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contract for the same, or in any contract for labor in finishing said buildings, or improving said grounds or premises, nor in any contract for labor, material, or supplies for the maintenance thereof.

Powers and duties of Trustees.

SEC. 7. The Board of Trustees created under this Act shall be known by the name and style of the "Board of Trustees of the Napa State Asylum for the Insane," and by that name they and their successors shall be known in law, may receive, take, and hold property, both real and personal, in trust for the State, and for the use and benefit of said asylum. They shall have power to govern, manage, and administer the affairs of said asylum, and make and adopt by-laws for their government and the government of the asylum. They shall appoint all officers and employes of said asylum, prescribe their duties, and remove them when, in their judgment, the good of the public service requires it. They shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall hold stated meetings at the asylum monthly, and a majority of the Board shall constitute a quorum for the transaction of business. They shall keep themselves constantly advised of all items of labor and expense, and the condition of the buildings and property of the asylum. They shall submit to the Governor biennially, on or before the first day of September next preceding the regular session of the Legislature, a report showing the receipts and expenditures, the general condition of the asylum, the number of patients under treatment during the two preceding years, and such other matters touching the general affairs of the asylum as they may deem advisable.

Trustees to appoint Resident and Assistant Physicians
Salaries and qualifications of Physicians.

SEC. 8. The Board of Trustees shall appoint a Resident Physician and an Assistant Physician, each of whom shall hold office for four years, and until his successor is elected and qualified. The salary of the Resident Physician shall be three thousand dollars per annum, and of the Assistant Physician two thousand dollars per annum; and each of them and their families shall be furnished room, household furniture, provisions, fuel, and lights, at and from the supplies of the asylum. Both the Resident and Assistant Physicians shall reside at the asylum; shall be well educated and experienced physicians, regular graduates in medicine, and shall have practiced at least five years from the date of their respective diplomas, and shall not engage in outside practice. Their duties not specified in this Act shall be fixed and prescribed in the by-laws of the Board of Trustees.

SEC. 9. The Board of Trustees shall elect a Treasurer, who shall not be of their number, and who shall hold office for two years, and until his successor is elected and qualified. The Treasurer shall qualify by taking the usual oath of office, and shall give bond, with good and sufficient sureties, to be approved by the Board, in a sum not less than thirty thousand dollars, payable to the people of the State of California, and conditioned for the faithful performance of his duties according to law, and for the delivery to his successor of all books, papers, vouchers, moneys, and effects held by him in virtue of his office. The Board of Trustees may increase the amount of the bonds of the Treasurer, and may require additional security at any time; and they may remove him. The Treasurer shall act as Secretary of the Board of Trustees, and have charge of the books and accounts of the asylum, and all matters of finance relating thereto. He shall keep accurate account of all expenditures, under appropriate headings, taking vouchers for all moneys paid out, and make a detailed statement under oath each month to the State Board of Examiners of the expense of the preceding month, and shall perform such other duties as the Board may prescribe. His salary shall be fixed by the Board of Trustees, not to exceed six hundred dollars per annum.

Trustees to elect Treasurer.

Bond.

Treasurer to act as Secretary.

Salary.

SEC. 10. Each Trustee shall receive as his compensation ten dollars for each meeting of the Board at which he shall be present, payable out of any moneys appropriated to the use of the asylum; *provided*, that the sum paid to said Trustee shall not exceed one hundred and thirty dollars per annum; *and provided further*, that any Trustee whose residence is out of the county in which said asylum is situated shall be allowed, for traveling expenses, mileage at the rate of ten cents per mile for the distance necessarily traveled in attending the monthly meeting of the Board.

Compensation and mileage of Trustees.

SEC. 11. The Resident Physician shall be the executive officer of the asylum, under the regulations and by-laws of the Trustees. He shall have control of the patients, prescribe or direct their treatment, adopt sanitary measures for their welfare, and discharge such as, in his opinion, have permanently recovered their reason. He shall maintain discipline among the subordinate officers and employes, and enforce obedience to the laws, rules, and regulations adopted for the government of the institution, and is empowered to discharge any employe or attendant for violation of the laws or rules of the asylum. He shall estimate quarterly, in advance, the probable expenses of the asylum, and submit the same to the Board of Trustees, at their last regular meeting preceding the commencement of such quarter, for their approval. And the Controller of State is hereby authorized and directed to draw his warrants for the amount of such estimate, approved by the Trustees, as soon as the same shall have been approved by the State Board of Examiners, in three equal sums, in favor of the Board of Trustees. And the State Treasurer is authorized and directed to pay the same out of any moneys appropriated by law for the use and benefit of said asylum. He shall estimate and report to the

Resident Physician to be executive officer.

Physician to estimate expenses of Asylum.

Furniture
and supplies,
how
supplied

Trustees the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing, and other materials required for the six months ending on the first day of May and November of each year; and the Trustees shall then advertise for four successive weeks for contracts for furnishing said supplies. All contracts shall be awarded to the lowest bidder or bidders, upon their giving to the Board of Trustees satisfactory security for the faithful performance of the same. Necessary expenditures, other than those for provisions, fuel, forage, clothing, and furniture, and household furnishing goods, may be made by the Resident Physician, subject to the approval of the Board.

Monthly
report of
Physician.

SEC. 12. The Resident Physician shall cause accurate and careful accounts to be kept of the daily expenditures of all articles of stores and property placed in his charge, and shall, at the end of each month, submit the same to the Board of Trustees for their inspection; and on each daily report shall be shown the number of persons fed and lodged in the asylum, whether as officers and their families, employés, or patients. A monthly report of the same tenor shall also be made to the Trustees.

Pay-roll.

SEC. 13. At the end of each month the Resident Physician shall cause a pay-roll to be made, which shall show the name of each person employed in or about the asylum, giving the capacity in which each is employed, the time employed, the rate of salary or wages, and the amount due each. Upon receiving this roll, sworn to and certified by the Resident Physician and approved by the President of the Board, the Treasurer shall pay the persons named on the roll the sums due them, taking their receipts on the roll for the moneys received, which roll, so receipted, shall be his voucher.

Bills, how
audited and
paid

SEC. 14. All bills against the asylum shall be presented to the Treasurer, and be by him submitted to the Board of Trustees at their next regular meeting after presentation, and shall be by them audited and approved before they are paid; and no money shall be paid out by the Treasurer, except as provided in the last section, unless ordered by the Board, and the order entered upon their minutes.

Treasurer to
report

SEC. 15. At every stated meeting of the Board the Treasurer shall present a clear and detailed statement of all moneys received and paid out by him, with vouchers regularly numbered to show for the payments—the statements to classify all receipts and expenditures under appropriate and intelligible heads. He shall also present his books, and show that they are written up to date, properly posted, and the balance of cash in his hands belonging to the asylum shown.

Trustees to
examine
accounts.

SEC. 16. The vouchers, statements, and books of the Treasurer shall be examined by the Board of Trustees at each stated meeting, and if found correct and kept in accordance with the provisions of this Act and the by-laws, the President of the Board shall give the Treasurer a certificate of the fact, and cause a note of it to be made in the minutes of the Board. The minutes of each meeting of the Board shall be approved by the Board and signed by the Secretary and President.

SEC. 17. The County Judge of any county in this State and the Probate Judge of the City and County of San Francisco, shall, upon application under oath, setting forth that a person by reason of insanity is dangerous to be at large, cause such person to be brought before him, and he shall summon to appear at the same time and place two or more witnesses who well knew the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners, and general conduct upon which said charge of insanity is based; and shall, also, cause to appear before him, at the same time and place, two physicians, who shall be regular graduates in medicine, before whom the Judge shall examine the charge; and if, after a careful hearing of the case and a personal examination of the alleged insane person, the said physicians shall certify on oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal, or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or the lives or property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation; length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease and present condition as nearly as can be ascertained by inquiry and examination; and if the Judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal, or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in charge of the officers of the Insane Asylum of this State to which the order is directed, such insane person, and shall transmit a copy of the complaint and commitment, and physicians' certificate, which shall always be in the form as furnished to the Courts by the Resident Physician of said asylum; and the person taking such insane person to the Insane Asylum shall be allowed therefor the same fees as are allowed by law to the Sheriff in such cases, to be paid in like manner. And the physicians attending the examination aforesaid shall be allowed, by the Board of Supervisors of the county in which the examination is had, five dollars each, unless they are otherwise paid.

Commitment of insane persons.

Fees for transporting patients.

SEC. 18. No case of idiocy, imbecility, harmless, chronic, mental unsoundness, or acute mania a potu shall be committed to this asylum; and whenever in the opinion of the Resident Physician, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by him that the party had been unlawfully committed, and that he or she comes under the rule of exemptions provided for in this section, he shall have the authority to discharge such person so unlawfully committed, and

Idiots and imbeciles.

return him or her to the county from which committed, at the expense of such county.

Patients to pay their expenses when possessed of means.

SEC. 19. The Judge shall inquire into the ability of insane persons committed by him to the asylum, to bear the actual charges and expenses for the time that such person may remain in the asylum. In case an insane person committed to the asylum under the provisions of this Act shall be possessed of real or personal property sufficient to pay such charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians, as far as the same are applicable; and when there is not sufficient money in the hands of the guardian, the Judge may order a sale of property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the Board of Trustees the sum fixed upon by them each month, quarterly in advance, for the maintenance of such ward; and he also shall, out of the proceeds of such sale, or such other funds as he may have belonging to such ward, pay for such clothing as the Resident Physician shall, from time to time, furnish such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Trustees, and approved by the Judge, for the faithful performance of the duties required of him by this Act, as long as the property of his insane ward is sufficient for the purpose. Indigent insane persons having kindred of degree of husband or wife, father, mother, or children, living within this State, of sufficient ability, said kindred shall support such indigent insane person to the extent prescribed for paying patients. The Board of Trustees shall furnish such blank bonds as are required by this section, to the several County Judges in this State, and to the Probate Judge in the City and County of San Francisco. A breach of any bond provided for in this Act may be prosecuted in the District Court of any county in this State in which any one of the obligors may reside, and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout, and the judgment enforced, as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Trustees or their Treasurer, at the time any insane person is discharged, any money unexpended, so paid by the guardian or kindred, the same shall be refunded; *provided*, that the Board of Trustees shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian, or on deposit with the Board of Trustees or their Treasurer, shall be refunded to the person or persons thereto entitled, on demand. Any moneys found on the person of any insane person at the time of arrest shall be certified to by the Judge, and sent with such person to the asylum, there to be delivered to the Treasurer, to be applied to payment of the expenses of such person while in the asylum; but upon the recovery of such insane person, all

Breach of bond.

Moneys, when to be returned to patients

sums shall be returned to him when discharged from the asylum. The kindred or friends of an inmate of the asylum may receive such inmate therefrom, on their giving satisfactory evidence to the Judge of the Court issuing the commitment, that they or any of them are capable and suited to take care of, and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Judge, he may issue an order, directed to the Trustees of the asylum, for the removal of such person; but the Trustees shall reject all other orders or applications for the release or removal of any insane person, except the order of a Court or Judge on proceeding in habeas corpus; and if, after such removal, it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property, by reason of such want of care, he may order such person returned to the asylum.

Care of
insane by
kindred.

SEC. 20. Non-residents of this State, conveyed or coming herein while insane, shall not be committed to or supported in the Napa State Asylum for the Insane; but this prohibition shall not prevent the commitment to and temporary care in said asylum of persons stricken with insanity while traveling or temporarily sojourning in the State; or sailors attacked with insanity upon the high seas, and first arriving thereafter in some port within this State.

Non-resi-
dents and
temporary
patients.

SEC. 21. Until the Napa State Asylum for the Insane shall be occupied to its entire capacity, the Judges who are authorized herein to commit insane persons may order all persons thereafter by them duly examined and declared insane to the Napa State Asylum; but the County Judges of this State, or the Probate Judge of the City and County of San Francisco may order the transfer of any insane person committed from their respective counties from one asylum to the other, upon the joint recommendation and consent of the Resident Physicians of each, the cost of such transfer to be paid by the guardian or friends of the patient transferred.

Transfer of
patients.

SEC. 22. An Act entitled "An Act to provide further accommodation for the insane of the State of California, and to provide a special fund therefor," approved March twenty-seventh, eighteen hundred and seventy-two, is hereby continued in force so far only as the same gives or creates a right on the part of the people of this State to proceed against the Directors and employés mentioned therein, civilly or criminally, for any fraudulent or illegal acts on their part, under the alleged authority of this Act; *provided*, that nothing herein shall be so construed as to repeal the Act of March twenty-fourth, eighteen hundred and seventy-four, entitled "An Act to provide for the construction of the Napa State Asylum for the Insane, and for other purposes," or any part thereof.

Proceedings
against
Directors
and
employés.

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

CHAP. CXXXVI.—*An Act to fix the penal sum of the official bond of the Treasurer of the County of Alpine.*

[Approved March 6, 1876.]

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

Amount of bond.

SECTION 1. The amount of the official bond of the County Treasurer of the County of Alpine shall be fifteen thousand dollars.

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

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

CHAP. CXXXVII.—*An Act relative to the assessment in Swamp Land Reclamation District Number One Hundred and Eighteen, in Contra Costa County.*

[Approved March 6, 1876.]

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

Trustees to report expenses.

SECTION 1. The Trustees of Reclamation District Number One Hundred and Eighteen are hereby authorized and directed to make up a sworn statement, in detail, of the total cost and incidental expenses of the work of reclamation in the said district, based upon the books and vouchers thereof, and to report the same to the Board of Supervisors of Contra Costa County, and, thereupon, the said Board must appoint three Commissioners, disinterested persons, residents of said county, who must proceed forthwith to view and assess on the lands of said district the whole amount so reported, in proportion to the benefits which have resulted or will result thereto from such work and incidental expenses.

Appointment of Commissioners.

Liens on land.

SEC. 2. A list of the charges assessed against each tract of land must be made out and filed by the Commissioners, and shall be a lien on said land, and become delinquent and be collected and disbursed in the manner provided in Article II., Chapter I., Title VIII., Part III. of the Political Code.

Former assessments

SEC. 3. The assessment to be levied under the provisions of this Act shall supersede all former assessments levied in said district, and all payments made on any tract of land, on account of such former assessments, shall be credited to the same tract on the assessment list to be made under the provisions of this Act. In case the total amount of the former assessments paid on any tract of land shall be less than the amount assessed thereon by the provisions of this Act, the balance shall be deemed to be the only amount for which such tract is chargeable. In case such total amount paid on any tract shall exceed the amount assessed thereon by the

provisions of this Act, the balance shall be refunded by a warrant, which the Trustees of the district are hereby directed to draw and the Board of Supervisors to approve.

SEC. 4. The outstanding warrants of the said district, ^{Warrants.} when approved by the Board of Supervisors, shall be receivable at par and accrued interest, in payment of the assessment to be levied under the provisions of this Act.

SEC. 5. Nothing in this Act shall be construed to preclude the levying of any further assessment in said district under section three thousand four hundred and fifty-nine of the Political Code.

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

CHAP. CXXXVIII.—*An Act fixing the time for the election of School Trustees in the County of Sutter.*

[Approved March 7, 1876.]

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

SECTION 1. An election for School Trustees must be held in each district in the County of Sutter, on the last Saturday of April of each year, at the district school-house, if there is one, and if there is none, at a place to be designated by the Board of Trustees. This Act shall apply only to Sutter County. ^{Annual elections}

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

CHAP. CXXXIX.—*An Act concerning the offices of Supervisor and District Attorney in the County of Calaveras.*

[Approved March 7, 1876.]

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

SECTION 1. The term of office for Supervisor in the County of Calaveras shall commence on the first Monday of December next ensuing their election. ^{Term of office.}

SEC. 2. Supervisors, for all services required of them by law or by virtue of their office, must each be allowed a salary of four hundred dollars per annum, payable quarterly. ^{Salaries.}

SEC. 3. Nothing in section two of this Act shall be construed to apply to Supervisors now holding office; but said section shall be in full force and take effect upon Supervisors to be elected in the years eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and thereafter. ^{When to take effect.}

Salary and
fees of
District
Attorney.

SEC. 4. From and after March fourth, eighteen hundred and seventy-eight, the District Attorney must receive, for all services required of him by law or by virtue of his office, a salary of one thousand dollars per annum, payable monthly, and the following fees: for each conviction of felony, when the punishment is death, twenty-five dollars; for each conviction for other felony, eighteen dollars; for each conviction of misdemeanor, twelve dollars; which must be assessed against the person convicted, and if the same cannot be collected from him then it must be considered a county charge, and be audited by the Board of Supervisors; for all collection of bonds or forfeited recognizances, eight per centum; for every conviction under the Act to prohibit gambling, and the Act to prohibit lotteries, raffles, gift enterprises, and other schemes, to be collected out of the fine or fines imposed upon the party or parties convicted, fifty dollars; for all amounts collected by him for the State or county, by action, eight per centum on the amount collected; *provided*, that should the amount of fees, commissions, and percentages received in any one year, added to the salary of the District Attorney herein mentioned, exceed the sum of fifteen hundred dollars, then any excess above that sum must be paid by him into the county treasury.

SEC. 5. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. CXL.—*An Act to compel the County Clerk of the City and County of San Francisco to keep open his office upon all election days.*

[Approved March 7, 1876.]

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

Clerk to
keep office
open.

SECTION 1. The County Clerk of the City and County of San Francisco shall keep his office open continuously upon all election days, from sunrise until six o'clock and thirty minutes of the evening of the same day, for the sole and only purpose of registering voters, and giving voters certificates of registration and transfers to the wards they live in.

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

CHAP. CXLI.—[See volume of *Amendments to the Codes.*]

CHAP. CXLII.—[See volume of *Amendments to the Codes.*]

CHAP. CXLIII.—*An Act to transfer the Swamp Land Fund of Del Norte County to the General Fund of said county.*

[Approved March 7, 1876.]

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

SECTION 1. The Board of Supervisors of Del Norte County are hereby authorized and empowered to transfer the money in the Swamp Land Fund of Del Norte County to the General Fund of said county; *provided*, that the fund so transferred shall be refunded when the money is required for the purposes for which the fund was originally created. And the Board of Supervisors shall levy annually, at the same time other county taxes are levied, two and one-half cents on each one hundred dollars of property in said county, for the purpose of repaying the amount so transferred from the Swamp Land Fund.

Supervisors
to transfer
moneys.

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

CHAP. CXLIV.—*An Act to abate the squirrel nuisance in Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties, State of California.*

[Approved March 7, 1876.]

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

SECTION 1. Squirrels infesting lands in Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties, are hereby declared a public nuisance.

Counties
affected.

SEC. 2. It shall be the duty of every person owning, claiming, or occupying land within three miles of any cultivated field situate in these counties, to keep the land so owned, claimed, or occupied, clear of squirrels; and any failure in said duty shall be deemed a sufficient cause for the public, through its authorized agents, to enter upon such land and abate the nuisance by destroying the squirrels thereon as in this Act provided; and all costs and expenses incurred, as in this Act provided, are hereby declared a lien upon and against all the lands so owned, claimed, or occupied, upon which said expenses are incurred; and such lien shall not be removed until payment or sale has been made to satisfy such costs and expense.

Owners to
keep lands
clear of
squirrels.

Penalty for
failure.

SEC. 3. The Board of Supervisors may, in their discretion, create Squirrel Inspection Districts, composed of one or more school districts, and may appoint one suitable person in each of the said districts to the office of Squirrel District Inspector.

Supervisors
to appoint
Inspectors.

Said Board shall be governed, as far as practicable in their judgment, for the best interest of the district, on making such appointments, by the recommendation of the land owners, claimants, and occupants of land in such district. The appointee shall qualify with the usual oath of office, and such bond as the Board of Supervisors may require, and hold office during the pleasure of said Board of Supervisors. The Board of Supervisors shall promptly fill any vacancy that may occur from any cause in the said office, and the said Inspectors shall be held responsible to the owner or occupant for any unreasonable or unnecessary damage that may occur in entry upon lands for the purpose of destroying squirrels.

Oath of Inspectors.

Compensation.

SEC. 4. Each of said Inspectors shall be entitled to compensation at a rate not exceeding three dollars per day for actual service, to be paid as hereinafter provided.

Inspectors to give information.

SEC. 5. Each Squirrel District Inspector provided for by this Act shall, upon request and without charge, give needful information in the use of poison, or implements for the destruction of squirrels, to land owners, claimants, and occupants of land in his district.

Operations, when to be commenced.

SEC. 6. On the first Monday of October in each year, unless some other day is fixed by the order of the Board of Supervisors, the land owners, claimants, and occupants of land in each Squirrel Inspection District provided for by this Act, shall commence destroying the squirrels on all their lands infested by squirrels, and shall faithfully and continuously prosecute such work until the squirrels are destroyed.

Refusal or neglect.

SEC. 7. Where there has been refusal or neglect for three weeks by any land owner, claimant, or occupant of land in any Squirrel Inspection District provided for by this Act, to comply with the provisions of the last preceding section of this Act, the Inspector of such district shall employ men and means sufficient, and proceed at once to destroy the squirrels upon such neglected lands, and shall cause to be filed a notice of such intention in the Recorder's office of the county, designating the name of the delinquent owner, if known, and the land by name or other description sufficient for its identification. He shall serve notice in writing upon occupant of such land of having filed such notice of intention. He may forward notice of intention to the County Recorder, by post or express; and for forwarding all such notices of intention, together with the service of notice of such intention on all occupants, he shall be allowed one day's service in each year. He shall keep an exact account of all expenses, including his own per diem, incurred upon such neglected lands, as owned, claimed, or occupied separately, and, together with the description of the land as above provided, file the same with the County Recorder on or before the next succeeding first day of April; *provided*, that the owner, claimant, or occupant may present himself to the said Inspector at any time before the filing of such account, and settle the same by paying all actual expenses. The said Inspector in such case will omit the filing, and pay himself and employes for the work done on the land and so settled

Inspector to report expenses.

for. Immediately after the filing of the aforesaid accounts and description of land the County Recorder shall add ten per cent. to such accounts, and proceed immediately to record the same, in a book to be kept by him for that purpose. The said record shall be deemed to impart constructive notice of the aforesaid lien to all persons, and shall be deemed to relate to the time of filing the notice of intention as herein provided.

SEC. 8. On the first Monday of October in each year the Inspectors shall each employ all needful help and means, and proceed to destroy the squirrels upon unoccupied public lands in his district, within three miles of any cultivated field, and shall keep an exact account of the expense incurred upon such land, and file the same with the County Recorder, on or before the next succeeding first day of April. Inspector to employ help.

SEC. 9. During the months of November, December, January, February, March, and April, of each year, the Inspector shall, when he has reason to believe there are squirrels in any part of his district, inspect any tracts he has reason to believe to be infested, and if the squirrels are found upon private lands, owned, claimed, or occupied, and no sufficient or adequate means, in his judgment, are being used to destroy the same, he shall employ all necessary help and means, and proceed at once to destroy the squirrels therein, in like manner as provided for destroying squirrels upon neglected lands, in section seven of this Act; and he shall keep and file exact accounts and descriptions, as provided for in said section. If the squirrels are upon public lands, unoccupied, and within three miles of any cultivated field, he shall proceed in like manner, and file his accounts, as provided for in section eight of this Act. Duties of Inspector.

SEC. 10. Each and every person owning, claiming, or occupying lands in any Squirrel Inspection District, who refuses or neglects to comply with the requirements of this Act, is hereby held liable for, and declared to be indebted to the county in which said Squirrel Inspection District is situated, to the amount of the actual expenses incurred by the Inspector in destroying squirrels upon such land, as shown by the account of such Inspector, filed with the County Recorder, where payment may be made to such Recorder any time within ninety days after the filing of such account, together with the accrued fees. When payment is made to the Recorder aforesaid, he shall give his receipt for the same, and enter note of the same in the margin of the record of the satisfaction of the lien, which shall release and discharge the lien upon such lands. Liability of owners and claimants.

SEC. 11. When the accounts of any Inspector has been on file with the County Recorder ninety days unpaid, the said Recorder shall pass the account over to the District Attorney, and the District Attorney shall add fifteen per cent. to the account, and then he shall bring suit in the name of the people of the State of California, in the proper Court, to cover the amount of the account and percentage. He may bring as many actions, either to foreclose the lien or against Recorder to receipt for payments.
Accounts of Inspectors.
Action to enforce claim.

the persons liable in the premises, as may be necessary to enforce the claim. Service of summons in all suits of foreclosure under the provisions of this Act shall be made by publication for the period of two months, in such newspaper of the judicial district as may be ordered by the Judge of the Court in which suit is to be brought; the said order for publication to be indorsed by the Judge upon the complaint prior to the filing of the same, and the service shall in all cases be deemed complete at the expiration of ten days after the before designated term of publication has been completed.

Proceedings
in sale.

SEC. 12. The proceedings in sale and redemption of property to satisfy liens under the provisions of this Act shall be [as] prescribed in sections three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, three thousand seven hundred and seventy-eight, three thousand seven hundred and seventy-nine, three thousand seven hundred and eighty, three thousand seven hundred and eighty-one, three thousand seven hundred and eighty-two, three thousand seven hundred and eighty-three, three thousand seven hundred and eighty-four, three thousand seven hundred and eighty-five, and three thousand seven hundred and eighty-six of the Political Code, for the collection of delinquent taxes, so far as the provisions of said sections are applicable and not in conflict with the provisions of this Act.

Plea of
defendant.

SEC. 13. The defendant in answer to suit may plead, first, that he did not claim, own, or occupy the land on which the squirrels were destroyed.

Owner to aid
Inspector.

SEC. 14. It is hereby required of any land owner, claimant, or occupant of land upon which the aforesaid Inspector has commenced destroying squirrels, to assist such Inspector when it is convenient; and when such owner, claimant, or occupant is destroying squirrels or rendering assistance, he shall be deemed to be in the employ of said Inspector; and it is further required of such land owner, claimant, and occupant, when he knows of live squirrels upon his lands so owned, claimed, or occupied prior to aforesaid first day of April, to notify the said Inspector of such fact.

Levy of tax.
Nuisance
Abatement
Fund.

SEC. 15. The Board of Supervisors of the Counties of Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern, at the time of levying other county taxes, shall levy a tax sufficient for the requirements of this Act; *provided*, that such tax shall not exceed twenty cents on each one hundred dollars' worth of taxable property in the county; which tax shall be assessed and collected as other county taxes, and paid into the county treasury, to the credit of the Squirrel Nuisance Abatement Fund, which is herein provided.

Moneys to be
paid over

SEC. 16. The County Recorder and District Attorney shall each pay over all the money received by either of them, in accordance with the provisions of this Act, to the County Treasurer, to the credit of the Squirrel Nuisance Abatement Fund.

SEC. 17. All employés of the Inspector provided for by

this Act shall be entitled to compensation, which shall not exceed two dollars per day for actual service; and when not paid by the Inspector, shall be paid as hereinafter provided. Employés' compensation.

SEC. 18. All expenses incurred in carrying on the provisions of this Act, when not settled for by the land owners, claimants, or occupants, shall be paid from the Squirrel Nuisance Abatement Fund provided by this Act. Warrants drawing seven per cent. per annum interest shall be issued by order of the Board of Supervisors on all approved claims thereon, payable by the Treasurer from the said fund. Expenses, how paid.

SEC. 19. Each Squirrel District Inspector shall render a detailed account, under oath, to the Board of Supervisors, for all the money he receives of land owners, claimants, and occupants, by and on account of the provisions of this Act; and he shall present all claims for himself and employés, verified, to the Board of Supervisors. Inspector to render account.

SEC. 20. The owner of any land, or any party claiming an interest or lien thereon, in the Counties of Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern, shall have the right to enter upon the same for the purpose of destroying squirrels, in case the lessee or other occupant shall neglect to destroy them; and parties so entering shall be responsible for any unreasonable or unnecessary damages to the premises or crops from such entry; and no entry on lands for the real or nominal purpose of destroying squirrels thereon shall be deemed or held to establish or give color of claim to the property, except as herein provided, nor is any authority herein given of entry upon lands for other purposes than inspection and destruction of squirrels, as in this Act provided. Rights of owners and claimants.

SEC. 21. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 22. This Act shall take effect immediately.

CHAP. CXLV.—[See volume of *Amendments to the Codes.*]

CHAP. CXLVI.—*An Act to amend an Act entitled "An Act to provide for the building of and furnishing a Court-house, offices, and jail, in Tulare County, and for improving the Court-house grounds," approved February seventh, one thousand eight hundred and seventy-six.*

[Approved March 7, 1876.]

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

SECTION 1. Section eight of the Act named in the title of this Act is amended so as to read as follows: Section 8.

Supervisors
to sell bonds. Within forty days after the issuing of any bonds the Board of Supervisors shall sell the bonds so issued to the highest bidder or bidders therefor, in accordance with the provisions of this Act; *provided*, that no bid of less than ninety-five per cent of the par value of the bonds shall be accepted.

Notice of
sale. SEC. 2. Section nine of the said Act is amended to read as follows: Section 9. At least forty days' notice shall be given of the time and place of such sale, by publication in two newspapers printed and published in the City and County of San Francisco, and one newspaper printed and published in Tulare County. If the bonds, or any part thereof, offered at public sale, shall remain unsold, such bonds may be sold at private sale; but no bonds shall be sold at private sale for less than ninety-five per cent of their par value. All bonds sold under this Act, whether at public or private sale, must be sold for gold coin.

Private sale.

SEC. 3. This Act shall take effect immediately.

CHAP. CXLVII.—*An Act to fix the terms of the County and Probate Courts in the County of Calaveras.*

[Approved March 7, 1876.]

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

Term fixed.

SECTION 1. In the County of Calaveras the term of the County and Probate Courts shall commence as follows: On the first Monday of December, April, and August.

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

CHAP. CXLVIII.—*An Act to fix the salary of the Assessor for the City of Oakland.*

[Approved March 7, 1876.]

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

Salary of
Assessor.

SECTION 1. The salary of the Assessor of the City of Oakland is hereby fixed at the sum of three thousand five hundred dollars per annum; and said Assessor must employ and compensate his own deputies.

SEC. 2. So much of any Act as conflicts herewith is hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. CXLIX.—*An Act to reincorporate the City of Marysville.*

[Approved March 7, 1876.]

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

SECTION 1. The territory described in section two of this Act, and the inhabitants therein residing, are hereby declared to be a municipal corporation, with the powers and under the provisions of Title Three of the Political Code of this State, to be known in law as the "City of Marysville."

Corporate name.

SEC. 2. The boundaries of said City of Marysville shall be as follows, viz: Commencing at a point on the south bank of Yuba River, opposite D Street in said city, thence down the south bank of said river to the center of Feather River; thence up the center of Feather River to a point opposite Sixteenth Street in said city; thence easterly along the north line of said Sixteenth Street to "E" Street in said city; thence northerly along the west line of "E" Street to the northwest corner of suburban lot five, range D; thence easterly to the outer side of the levee as now located by said city; thence along the outer side of said levee until it intersects the Brown's Valley road or grade; thence along the extreme southeasterly side of said Brown's Valley road or grade to a point where said Brown's Valley grade or road intersects Swezy Street; thence due south to the south bank of Yuba River; thence along the south bank of Yuba River to the place of beginning.

Boundaries of corporation.

SEC. 3. The said City of Marysville shall be divided into four wards, as follows: All that part of the city which lies west of "E" Street shall be the "First Ward." All that part which lies between "E" Street and "D" Street shall be the "Second Ward." All that part which lies between "D" Street and "C" Street shall be the "Third Ward." All that part which lies east of "C" Street shall be the "Fourth Ward."

Boundaries of wards.

SEC. 4. The said City of Marysville shall succeed to all the rights, titles, interests, possessions, credits, immunities, debts, and obligations in law and equity, that may pertain to the City of Marysville as incorporated under an Act of the Legislature of this State, entitled "An Act to incorporate the City of Marysville," approved March third, eighteen hundred and fifty-seven, and the Acts amendatory thereof and supplementary thereto.

City to succeed to rights, titles, etc.

SEC. 5. The Common Council of the said City of Marysville shall consist of four Councilmen (one from each ward), who, with the Mayor, Marshal, Assessor, and Treasurer, shall be elected by the qualified electors of said city, and shall hold their offices from and after the first Monday in April next succeeding their election, and until their successors are elected and qualified. Should a vacancy occur in any of the offices named in this section, the Common Council shall have power to fill such vacancy for the unexpired term.

Common Council, how composed.

Vacancies.

Subordinate officers, how elected.

SEC. 6. The Mayor and Common Council shall elect all subordinate officers of the city prescribed by the ordinances thereof, including Police Judge, and in their discretion a City Attorney.

Biennial elections.

SEC. 7. For the purpose of choosing the officers mentioned in section five of this Act, there shall be an election held on the third Monday in March, one thousand eight hundred and seventy-six, and upon the same day every two years thereafter.

Ordinances to remain in force.

SEC. 8. All valid ordinances of the City of Marysville in force at the date of the passage of this Act shall continue to be in force and effect as ordinances of the City of Marysville, as incorporated under this Act, until the same are repealed or modified by the Common Council.

Salaries of Mayor and Councilmen.

SEC. 9. The Mayor and members of the Common Council shall each receive an annual salary of five dollars, which shall be in full compensation for all official services rendered by them in such offices, and for all services that may be required of them by law.

Salary of Marshal.

SEC. 10. The Marshal, for all services required of him by law, shall receive an annual salary of eight hundred dollars, and in addition thereto one and one-half of one per cent. upon all moneys collected by him and paid over to the City Treasurer, except upon the amount collected from city licenses, for which he shall receive for each license so collected twenty-five cents. He shall give a bond, with at least two sureties, to be approved by the Common Council, in the sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties.

Bond.

Salary of Assessor and Clerk.

SEC. 11. The Assessor shall be ex officio City Clerk and Clerk of the Police Court, and for all services required of him by law or ordinances of the City of Marysville, shall receive an annual salary of fifteen hundred dollars. He shall give a bond in the sum of fifteen thousand dollars, with at least two sureties, to be approved by the Common Council, conditioned upon the faithful performance of his duties.

Bond.

Salary of Treasurer.

SEC. 12. The Treasurer shall receive, for all services required of him by law or ordinances of said city, an annual salary of twenty-five dollars. He shall give a bond in the sum of fifty thousand dollars, with at least two sureties, to be approved by the Common Council, conditioned upon the faithful performance of his duties.

Bond.

Powers of Police Judge.

SEC. 13. The Police Judge shall exercise all the powers granted him by the Political Code, except the provisions of section four thousand four hundred and twenty-five. All moneys collected by him as such Police Judge shall be paid unto [into] the General Fund of said city, on the first Monday of each month. He shall receive for such services an annual salary of five hundred dollars, and give a bond in the sum of one thousand dollars, to be approved by the Common Council, conditioned upon the faithful discharge of his duties.

Salary and bond.

Funding Commissioners.

SEC. 14. The Mayor, Treasurer, and Assessor shall be ex officio Funding Commissioners of the City of Marysville, and as such shall have full control over the funded indebted-

edness of said city, in the matter of preparing and issuing bonds and coupons, and in the payment and cancellation of the same; and shall make a full report annually to the Common Council of all their proceedings as such Commissioners.

SEC. 15. The salaries of the city officers, elective and appointed, except Mayor, Councilmen, and Treasurer, shall be paid monthly, by warrants drawn on the General Fund. The salaries of the Mayor, Councilmen, and Treasurer shall be paid annually, in like manner. The Funding Commissioners, for the duties required to be performed by them, shall receive no further salary or compensation than as hereinbefore provided. Payment of salaries.

SEC. 16. The Common Council of said city shall not 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, exclusive of the levee debt; and neither the Mayor nor any member of the Common Council shall be interested in any contract to which the city is a party. Limitation of powers of Common Council.

SEC. 17. Any contract made in violation of the provisions of section sixteen of this Act shall be void. Illegal contracts

SEC. 18. The present Mayor of the City of Marysville shall issue his proclamation for the election to be held in March, one thousand eight hundred and seventy-six, as provided for in this Act, in accordance with the present charter of said city. Election proclamation.

SEC. 19. An Act entitled "An Act to incorporate the City of Marysville," approved March third, eighteen hundred and fifty-seven, and the Acts amendatory thereof and supplementary thereto, are hereby repealed; *provided*, that this repeal shall not take effect until the first Monday in April, one thousand eight hundred and seventy-six. Act repealed

SEC. 20. This Act takes effect on the first Monday of April, one thousand eight hundred and seventy-six, but the present Mayor of the city must give the notice of the election required by the seventh section of this Act, and the present Mayor and Common Council shall meet on the first Wednesday after the election, and duly canvass the returns of said election, in the manner prescribed by the general laws of the State, declare the result, and direct the City Clerk to issue certificates of election to the persons elected. Notice of election

CHAP. CL.—*An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern.*

[Approved March 8, 1876.]

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

SECTION 1. The office of County Auditor of the respective Counties of Fresno, Tulare, and Kern is hereby separated

from the office of County Recorder in said counties; and at the next general election, to be held in September, A. D. eighteen hundred and seventy-seven, a County Auditor must be elected in each of said counties, who shall be ex officio County Superintendent of Public Schools, and shall perform all the duties pertaining to the office of Superintendent of Public Schools; *provided*, that in said counties the County Superintendent shall not be required to visit the public schools therein.

SEC. 2. The County Clerk of each of the Counties of Fresno and Kern shall be ex officio Recorder of his county, shall qualify and give bonds as required by law, and shall receive a salary of three thousand dollars per annum, which shall be in full compensation for all services rendered by him, his deputies or assistants, as County Clerk, Clerk of the Courts of record, and Clerk of the Board of Supervisors, Board of Water Commissioners, and as ex officio Recorder. The County Clerk of Tulare County shall receive a salary of one thousand eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, his deputies or assistants, as County Clerk, Clerk of the Court of record, and Clerk of the Board of Supervisors and Water Commissioners. The County Recorder of Tulare County shall receive a salary of one thousand eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, his deputies or assistants.

SEC. 3. The salaries mentioned in this Act shall be paid monthly by the County Treasurer upon the warrant of the County Auditor, who is hereby directed to audit the salaries herein provided for; and said salaries shall be paid out of the County General Fund.

SEC. 4. The County Auditor shall receive a salary of one thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him, his deputies or assistants, as County Auditor and ex officio Superintendent of Public Schools.

SEC. 5. The officers named in this Act, who are entitled to charge, collect, or receive any fees, commissions, or percentage, of whatever kind or nature, heretofore allowed by law, or which may hereafter be allowed by law, for services rendered by them or their deputies in their several official capacities, or for the performance of duties appertaining to said officers, must collect and safely keep the same, and on the first Monday in each month pay the total amount by them received into the county treasury, to the credit of the County General Fund.

SEC. 6. The officers named in this Act must each keep a book, in which shall be entered, by items, the amount received for all official services performed by them or their deputies, showing the date and nature of such services, and the amount received therefor, which book shall be the property of the county, and shall be open during office hours to public inspection; and each of said officers must, on the first Monday in each month, make out, and file with the County Auditor, a full and accurate transcript from his said

book of all the entries for the preceding month, with an affidavit attached thereto, and by them subscribed and sworn to, as follows: I, —, of the County of (Fresno, Tulare, or Kern), do swear that the foregoing is a true and correct statement of all the fees, commissions, and compensations, of whatever nature or kind, allowed by law, for services rendered by me, or my deputies, in my official capacity, for the month of —, eighteen hundred —, and that I have paid the same to the County Treasurer.

SEC. 7. All moneys paid into the county treasury under the provisions of this Act must be placed in the County General Fund.

SEC. 8. The fees receivable by the several officers named in this Act must be paid in advance, and it is hereby made the duty of the said officers to collect all fees in advance; and any officer named in this Act who shall credit any person for fees, percentage, or commissions, for any services rendered in the discharge of his official duties, shall do so at his own risk, and the same shall be entered in the fee-book and paid over on the first Monday of each month, the same as if it had not been credited.

SEC. 9. For any willful neglect or refusal to comply with any of the provisions of this Act, by any officer or officers herein named, he or they shall be guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding one thousand dollars, or imprisonment in the County Jail not exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing herein shall be held to release any officer named in this Act from giving any bond required by law, or from any civil responsibility arising from his official duties.

SEC. 10. All Acts and parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 11. This Act shall take effect and be in force on and after the first Monday in March, eighteen hundred and seventy-eight.

CHAP. CLI.—[See volume of *Amendments to the Codes*.]

CHAP. CLII.—*An Act to authorize the appointment of an additional Interpreter for the Criminal Courts of the City and County of San Francisco.*

[Approved March 8, 1876.]

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

SECTION 1. The Police Judge and County Judge and Mayor of the City and County of San Francisco shall have Interpreter to be appointed.

power to appoint an additional Interpreter for the Criminal Courts of said city and county, of the Portuguese, Italian, and Slavonian languages.

Salary.

SEC. 2. The salary of such Interpreter shall be of the same amount, not exceeding one hundred and twenty-five dollars per month, and shall be paid in the same manner, and at the same time, as the other Interpreters of said Courts are now or shall hereafter be paid.

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

CHAP. CLIII.—*An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States.*

[Approved March 8, 1876.]

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

Trustees em-
powered to
convey
lands.

SECTION 1. The President and Trustees of the City of San Diego are hereby authorized and empowered to convey to the United States such pueblo or city lands of said city as the United States, or the authorities thereof, may find necessary for the purpose of changing the present course of the River San Diego so that it will discharge its waters into False Bay.

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

CHAP. CLIV.—[See volume of *Amendments to the Codes.*]

CHAP. CLV.—*An Act to fix the amount of the bonds of the County Treasurers of Modoc and Lassen Counties.*

[Approved March 8, 1876.]

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

Bonds of
Treasurers.

SECTION 1. The County Treasurer of Modoc County must execute an official bond in the sum of thirty thousand dollars, and the County Treasurer of Lassen County must execute an official bond in the sum of forty thousand dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. CLVI.—*An Act to provide for funding the indebtedness of Levee District Number Two of Sutter County.*

[Approved March 9, 1876.]

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

SECTION 1. The Board of Supervisors of Sutter County is hereby authorized and required to fund all the outstanding indebtedness of Levee District Number Two of said county, which shall have accrued prior to the first day of March, eighteen hundred and seventy six, and standing in the shape of unpaid warrants, duly and legally drawn, and issued for the construction or repairing of levee along Bear and Feather Rivers, or either of such rivers, and payable out of said Levee District Number Two Fund. Said warrants shall be funded by issuing in payment thereof bonds payable in twenty years from the first day of March, eighteen hundred and seventy-six, bearing interest at the rate of six per cent. per annum, payable annually, on the first day of March of each year.

Supervisors to fund certain indebtedness.

How paid.

SEC. 2. The Treasurer of said county shall prepare bonds to an amount equal to the indebtedness of said district, which has accrued for the construction and repairs of said levees up to the first day of March, eighteen hundred and seventy-six. Said bonds shall each be in an amount of not less than one hundred nor more than five hundred dollars, and shall bear interest at the rate of six per cent. per annum from the first day of March, eighteen hundred and seventy-six, and shall be payable on the first day of March, eighteen hundred and ninety-six, at the office of the County Treasurer of said county. The interest on said bonds shall be payable annually, the first payment to fall due March first, eighteen hundred and seventy-seven.

Treasurer to prepare bonds.

Interest.

SEC. 3. Said bonds shall be signed by the President of the Board of Supervisors, countersigned by the County Auditor, indorsed by the County Treasurer, and attested by having the county seal impressed thereon. This Act shall not be so construed as to render the said County of Sutter liable for the payment of said bonds, or any part thereof, either principal or interest, which shall be expressed on the face of each of said bonds.

Bonds, how signed, etc.

SEC. 4. The Auditor and Treasurer of said county shall examine the original books of records of warrants issued prior to the first day of March, eighteen hundred and seventy-six, for constructing or repairing said levees, or either of them, payable out of the funds of said district, and fund all unredeemed warrants legally issued for said purpose before said date, and entered in said books; but they shall fund no other indebtedness or warrants whatever.

Auditor and Treasurer to examine warrants.

SEC. 5. It shall be the duty of said Auditor and Treasurer each to keep a separate record of all such bonds as may be issued under this Act, showing the number, amount, and date of each bond, and to whom it was issued.

Record of bonds.

Interest
coupons.

SEC. 6. Coupons for the annual interest shall be attached to each bond so that they can be removed from the bond without mutilating it. They shall each be signed by said Auditor and Treasurer. When any interest shall be paid upon any of said bonds, the County Treasurer shall detach the coupons for such interest, and cancel the same, and deliver the same to the County Auditor, taking his receipt therefor. The Auditor shall file and carefully preserve the same in his office.

Expense of
preparing
bonds.

SEC. 7. The County Treasurer shall pay, out of any money in his hands belonging to said district, the expenses incurred in preparing said bonds and coupons, but the sum so paid shall not exceed one hundred dollars.

Surrender of
warrants.

SEC. 8. Within two months after the passage of this Act, any person holding any warrant or warrants entitled to be funded under this Act, shall, upon presentation and surrender thereof to the Treasurer of said county, receive, in exchange therefor, an equal amount in the bonds herein provided for.

Treasurer to
keep record.

SEC. 9. The County Treasurer shall keep a book in his office in which he shall make an entry of each warrant or bond redeemed by him, from whom received, and in what manner redeemed.

Cancellation
of bonds and
warrants.

SEC. 10. The President of the Board of Supervisors and the County Auditor must, at least once in every three months, examine all bonds and warrants redeemed under this Act, and ascertain that the same have been properly registered, and must cause the same to be so canceled as to prevent a reissue thereof.

Special tax.

SEC. 11. There shall, for the year eighteen hundred and seventy-six, and annually thereafter, be levied, assessed, and collected a special tax in said district, to be called Levee District Number Two tax, which tax shall be levied on all the taxable property in the district; shall be payable in gold coin; shall be sufficient in amount to provide for the payment of the interest on all said bonds, and after two years from the passage of this Act, shall also be levied sufficient to provide funds for the final payment of the principal on said bonds. Said special tax shall be levied, assessed, and collected under the provisions of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Two of Sutter County."

Annual bond
tax.

SEC. 12. After the expiration of two years there shall be levied annually in said district, under the provisions of this Act, an amount of tax sufficient to pay the annual interest, and also one-eighteenth of the principal of the bonds issued under the provisions of this Act, which amount shall be applied to the extinguishment of the bonds, giving preference to those who will offer to surrender them at the lowest offer.

SEC. 13. The funds levied and collected, as provided in the preceding section, for the payment of the principal and interest on said bonds, shall not be appropriated to any other purpose whatever.

SEC. 14. The Treasurer of Sutter County shall, on the first day of March, eighteen hundred and seventy-seven, and annually thereafter, pay the interest falling due on the bonds issued under this Act, out of the "Levee Fund" of said district. Whenever there is in his hands any sum exceeding two hundred dollars, collected for the purpose of redeeming the principal of said bonds, or whenever there shall at any time remain a surplus of two hundred dollars, or more, in said "Levee Fund," he shall advertise in some public manner, to be prescribed by the Director of said district, for the space of at least thirty days, for sealed proposals for the redemption of said bonds; said advertisement specifying the day and hour when and the place where such proposals will be opened. At the time and place specified the Treasurer shall open said proposals in the presence of such persons as may be present, and shall redeem such bonds as are offered at the lowest rate to said levee district; *provided*, that no bond shall be redeemed at more than par.

Treasurer to pay interest.

Redemption of bonds.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. CLVII.—*An Act to provide for the improvement of the streets of the City of Sacramento.*

[Approved March 8, 1876.]

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

SECTION 1. For the purpose of convenient designation, those certain streets of the City of Sacramento between I and L, Front and Eleventh Streets, and all of Second Street south of the north line of L Street, and north of the south line of O Street, and its north extension to Broad Street, and Broad Street, from its intersection with the north extension of Second Street, to the Sacramento and Yolo bridge; and all of I Street, from Front Street to the east line of Seventh Street, shall be known as Street Division "A." And those certain streets contained within the line commencing at the northeast corner of Third and L Streets, and following the north line of L Street to the northeast corner of Tenth and L Streets, and then running south with the east line of Tenth Street to northeast corner of Tenth and N Streets; thence east with the north line of N Street to the east line of Twelfth Street; thence south with the east line of Twelfth Street to the north line of R Street; thence west with the north line of R Street to its intersection with the east line of Front Street; thence north with the east line of Front Street to south line of L Street; thence east with the south line of L Street to west line of Second Street; thence north with the west line of Second Street to north line of L Street; thence east with the north line of L Street to the place of beginning (excepting that portion of Second Street hereinbefore pro-

Boundaries of Street Divisions.

vided to be in Division "A"), shall be known as Street Division "B." And those certain streets contained within a line commencing at northwest corner of Seventh and I Streets, and thence running north with the west line of Seventh Street to its intersection with the north line of E Street; thence east with the north line of E Street to the west line of Twelfth Street; thence north with the west line of Twelfth Street to the south line of B Street; thence east with the south line of B Street to the east line of Twelfth Street; thence south with the east line of Twelfth Street to the north line of J Street; thence east with the north line of J Street to the east line of Fourteenth Street; thence south with the east line of Fourteenth Street to the south line of L Street; thence west with the south line of L Street to the east line of Tenth Street; thence north with the east line of Tenth Street to the north line of L Street; thence east with the north line of L Street to the west line of Eleventh Street; thence north with the west line of Eleventh Street to the south line of I Street; thence west with the south line of I Street to the east line of Seventh Street; thence north with the east line of Seventh Street to the north line of I Street, and thence to the point of beginning, shall be known as Street Division "C."

Powers of
City Trustees
defined.

SEC. 2. The Board of Trustees of the City of Sacramento shall have power to cause any street or section thereof, not less than a block, in Street Division "A," to be planked, paved, graveled, or macadamized, unless a majority of the owners of property on any block, before the making of the order, by petition designate which they prefer, and their preference shall in that event be adopted; and the said Board of Trustees shall have power to cause any street in Street Divisions "B" and "C" to be well rounded up and graveled, unless a majority of the owners of property on any street, not less than a block, by petition before the order is made, designate macadamizing, paving, or planking; *provided*, that if, before said order to gravel is made, a majority of the property owners on any street or portion of a street, of not less than one block in extent, shall petition said Board of Trustees in writing to have said street or portion of a street graveled for a width of not less than twenty feet in the center of such street, the Board shall order the said work to be so done.

Same.

SEC. 3. The Board of Trustees shall have power, upon the presentation of a petition signed by a majority of the property owners on any street in Street Divisions "B" and "C," of not less than two continuous blocks, to cause the sidewalks of the streets in Street Divisions "B" and "C," in sections not less than two blocks, to be increased in width to twenty-four feet on each side, and to fix and determine the height and position of the curb line, and the manner of constructing, and the materials with which said curb shall be constructed, and to compel the owners of the property fronting on said streets, by the modes hereinafter prescribed, to extend their sidewalks to said curb line, or to evenly grade and fill from the outer edge of the sidewalks now provided by law on to

the new curb line, and also to keep the same clean and free from weeds and properly sown with grass seed; *provided, however,* that in so much of M Street as lies in Street Division "B" the sidewalks shall be increased to a width of twenty-five feet on each side, and at the intersection of each street the sidewalks shall be rounded at the corners so as to permit easy access to and egress from said streets. And said Board of Trustees shall have power to cause the streets in which it shall have ordered the sidewalks to be widened as aforesaid, to be graveled or macadamized.

SEC. 4. The entire cost and expense of improving the streets and sidewalks, or sections of streets and sidewalks, in Street Divisions A, B, and C, shall be assessed against and paid by the property fronting thereon, the entire cost and expense to be estimated and borne by each block separately, and in proportion to the frontage, and at a rate per foot sufficient to pay the entire cost and expense of the work on each block. The cost of improving the intersections of the streets improved under this Act, and including the street crossings, shall be paid by the city, except that portion hereafter provided to be paid by railroad companies having tracks thereon. And the Board of Trustees thereof are hereby authorized to estimate in each year the probable sum necessary for the foregoing purposes, and to include the same in the annual tax levy; and the sum thus collected shall be a Special Street Fund, and shall be used for no other purpose. Railroad companies having a track or tracks in any of the streets in the aforesaid Divisions "A," "B," or "C," shall pay and be assessed for the cost of improving the portion of the street embraced between the rails of their respective tracks, and the same shall be a lien against the franchise and railroad of such companies from the date of such assessment, and may be collected in the same manner as other assessments provided for by this Act; *provided, however,* the amount assessed against a railroad company, having a track or tracks in any of the streets improved under this Act, shall be deducted from the assessment against property fronting thereon.

Expenses of
improving,
to whom
assessed.

SEC. 5. Whenever said Board of Trustees shall resolve to improve the streets, or any of them, in Street Divisions A, B, or C, it shall enter on its minutes a resolution to that effect, describing the street or section thereof to be improved, and the manner in which it shall be done, and shall publish such resolution of intention in some daily newspaper, for the period of ten days; and if, at the end of said ten days, the said Board does not rescind its resolution, or modify the same (which it shall have power to do), it shall cause a notice to be posted at the Court-house door of said city, and inserted in one of the daily newspapers of said city, inviting sealed proposals for the work contemplated, briefly describing it, and requiring that each bid shall be accompanied with a certified check in a named amount, or a bond in a named amount, signed by at least two sureties, payable to the City of Sacramento, in the event of the contract being awarded to such bidder, and his failure within five days after such award to enter into a contract with said city to do the pro-

Awarding
of street
contracts.

posed work, or to give adequate security for the performance of the work awarded to him. Any bidder awarded a contract under this Act, and failing for five days after such award to enter into the contract with said city, or to give adequate security for the performance of the work awarded to him, shall forfeit the certified check accompanying his bid, and the same shall be collected and form part of the Special Street Fund created by section four of this Act, and so shall all sums collected upon the bonds accompanying bids. Where bonds are required, security to insure the acceptance of an award of work under this Act shall not exceed fifteen per cent. of its estimated cost, and to insure the performance of a contract for work, shall not exceed thirty per cent. of its amount. All bids shall be opened and read in open session; and if the Board is of the opinion that the lowest bid is not unreasonably high for the work to be done, it shall then and there award it to the lowest bidder; otherwise it shall, in the manner hereinbefore mentioned, readvertise for proposals. Awards made and not accepted within five days, by signing the proper contract and giving proper security, shall be deemed waived, and the Board shall readvertise for proposals in the manner hereinbefore prescribed.

Trustees to give notice of intention.

SEC. 6. Whenever said Board of Trustees shall resolve to widen the sidewalks in any of the streets, or parts of the streets, contained in Street Divisions B and C, it shall enter upon its minutes a resolution of intention, which shall describe the street or section thereof in which the sidewalks are to be increased in width, and the material with which, and the manner of the construction of the curb, and shall publish such resolution of intention for the period of ten days; and within said ten days the City Surveyor shall designate the position of said curb line and make specifications of the work to be done in curbing, grading, and filling. The owners of property, in front of whose property the sidewalks are to be widened and improved, shall have thirty days after the expiration of the publication of the notice of intention in which to do the required work in front of their property; and all the work not done at the expiration of said time may be done by the said city at the expense of the delinquent property holders, and enforced and collected in such manner and form as may be provided by ordinance.

Surveyor to fix curb lines.

Concerning remonstrances.

SEC. 7. Whenever the said Board of Trustees has published its resolution of intention to gravel or macadamize any street or section of a street in Street Divisions B and C, it shall rescind such resolution of intention if, within the ten days hereinbefore provided for its publication, property owners representing two-thirds of the frontage upon the street or section of a street proposed to be improved, file with it a remonstrance against such contemplated improvement; and *it is further provided*, that when contracts are awarded for improving the streets in Street Division A, in the manner authorized by this Act, or for graveling or macadamizing streets in Divisions B and C, property holders owning a majority of the frontage on the street or section of a street to be improved shall be entitled to do said work in preference

Owners to be preferred contractors.

to the lowest bidder, but at no higher price, and the security required from bidders shall not be exacted from them; *provided, however*, that the work done by them shall be done in a manner approved by the Street Commissioner. All contracts shall be executed in behalf of the city by the President of its Board of Trustees, and shall contain a stipulation that the contractor will look exclusively to the assessments made for that purpose, for payment for the work done by him, and that the city shall not be liable to him therefor. Where property owners on Street Division A have paved streets in front of their lots in the manner designated by the Board of Trustees in its resolution of intention, or in Street Divisions B and C have graveled or macadamized the streets in front of their lots in the manner required by said Board, or railroad companies have improved the streets through which they have laid a track or tracks, in the manner prescribed by section four hereof, said property holders or railroad companies shall be entitled to an allowance therefor upon their assessments, at the rate allowed by contract for doing such work; *provided, however*, that work done by property holders or railroad companies pursuant to this section, before the allowances are made, shall be approved by the Street Commissioner of said city.

Allowances on assessments.

SEC. 8. Within ten days after any contract is executed pursuant to this Act, the City Assessor shall, when required by the President of the Board of Trustees, make a list of the property liable to pay for the work described in said contract, describing its subdivisions, and naming, as near as he can, the owners of each subdivision, and showing the amount to be paid by each subdivision, on the basis prescribed by section four hereof, and shall deliver the same to the Auditor of said city, who shall deliver the same to the Tax Collector of said city, and shall on his books charge the Tax Collector with the total amount of such assessment rolls.

Assessment roll.

SEC. 9. The Tax Collector shall cause a copy of the assessment roll to be published in some daily newspaper published in said city, for a period of five days. He shall, immediately after said publication is made, proceed to collect the assessments for twenty days after the five days' publication have expired. After the expiration of twenty days, he shall immediately make out a list of delinquents, which shall be delivered by him to the District Attorney of Sacramento County, and said District Attorney shall proceed to sue for recovery and collect the said delinquent assessments, in the same manner as is or may be provided by law for the collection of the taxes of said city. And said law is hereby made applicable to such suits. All sums assessed on any property for street improvements made under this Act shall become a lien against said property from the time of the receipt of the assessment roll by the Auditor of said city. And it shall be the duty of said Auditor to certify at the end of said roll the time of its receipt by him from the Assessor, which shall be conclusive evidence thereof, and said assessment roll shall be primary evidence of the delinquency of the property named therein, and the amount due by such property.

Collection of assessments.

Delinquent assessments.

Additional
powers of
Trustees.

SEC. 10. It shall be optional with said Board of Trustees, in requiring sidewalks to be widened and improved, in the manner prescribed by this Act, to enforce the same by appropriate ordinances, or at the end of the thirty days allowed to property holders to do said work, to proceed and let said work to the lowest bidder, as is herein provided for letting contracts for the other work provided by this Act, and the total expense thereof shall be assessed on the same principle as is by this Act provided for assessments for other work done under this Act. The duties of the City Assessor shall be the same, only that he shall omit from his list such property as shall have done in front of it the required work. The duties of the City Auditor shall be the same on the receipt of the assessment roll, which he shall deliver to the Tax Collector, who shall perform the same duties as this Act requires him to do in the matter of other assessments under this Act; and the assessment list, as well as the delinquent list, shall have the same force as evidence, and the assessments thereon be collected in the same manner and form, as the other assessments provided for in this Act.

Trees, etc.

SEC. 11. Planting of trees is prohibited within eight feet of the new curb line provided for in Street Divisions B and C; and it is further provided, that when the grade of the cross-streets between K and L Streets, in Street Division A, shall be established, it shall be lawful for the Board of Trustees of said city to cause the sidewalks therein to be widened and paid for in the manner herein provided for increasing the width of sidewalks in Street Divisions B and C.

Act, how
applied.

SEC. 12. The provisions of this Act as to assessment for street purposes shall apply to all street work now in progress, for which assessments have not been made.

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

CHAP. CLVIII.—*An Act to incorporate the Town of Ukiah City, Mendocino County, California.*

[Approved March 8, 1876.]

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

Corporate
name

SECTION 1. The inhabitants of the Town of Ukiah City are hereby constituted a body corporate and politic, under the name and style of the "Town of Ukiah City," and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, restrictions, and provisions of, an Act entitled "An Act to provide for the incorporation of towns," approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The corporate limits of the Town of Ukiah City, County of Mendocino, State of California, shall be as follows: Commencing at a point one-half mile north of the center of the plaza on which the Court-house stands, in Ukiah City, running thence east, one-half mile; thence south, one mile; thence west, one mile; thence north, one mile; and thence east, one-half mile, to the place of beginning; the magnetic variation being $16^{\circ} 30'$ east.

SEC. 3. The officers of said town shall consist of a Board of five Trustees, Treasurer, Assessor, Collector, and Marshal, who shall be elected by the qualified electors of said town on the first Monday of February, one thousand eight hundred and seventy-seven, and shall hold their office for the term of one year; *provided*, that the first Board of Trustees, Treasurer, Assessor, Collector, and Marshal shall be chosen in like manner at a time to be designated by the Board of Supervisors of the County of Mendocino, which time shall not exceed sixty days after the passage of this Act, and ten days notice thereof shall be given by publication in some newspaper published in said county; and the officers so chosen shall hold office until the first Monday of February, eighteen hundred and seventy-seven, and until their successors are elected and qualified.

SEC. 4. The Marshal of said town shall be ex officio Assessor, Collector, and Road Overseer, and his compensation in the various offices shall be prescribed by the Trustees by ordinance.

SEC. 5. The Trustees of said town shall have power to make such by-laws and ordinances, not inconsistent with the laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows, lawful games, and bars at which spirituous liquors are sold, and other mercantile establishments; to provide such means as they may deem necessary to protect the town from injury by fire; to levy and collect annually a tax on all property in said town, not exceeding one-quarter of one per cent. on the assessment valuation thereof; to impose and collect a poll-tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards; to impose and collect on dogs a tax not exceeding six dollars per annum, [on] every dog found at large within the corporate limits of said town; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary; but they shall not have power to contract any debt or debts which, singly or in the aggregate, shall exceed the sum of five hundred dollars.

SEC. 6. Said Board of Trustees shall, in the event of a tax being levied under this Act and an assessment made, sit as a Board of Equalization for not less than two days, notice of which sitting shall be given by publication, or by posting in three public places in said town, for at least ten days next preceding the time fixed, that such assessment roll is open for inspection and that said Board will sit as a Board of Equalization and hear all complaints. They may require

Corporate limits.

City officers.

Marshal to perform other duties.

Granting powers to Trustees.

Board of Equalization.

testimony, and increase or diminish the assessment of property, or add any property that may have been omitted, as may be just and equitable.

Compensation of officers

SEC. 7. The compensation of said Board of Trustees shall not exceed one dollar per annum. The Clerk of said Board, if any be appointed, shall receive a compensation to be fixed by the Board of Trustees. The Treasurer shall receive a compensation of one dollar per annum. The Board of Trustees shall prescribe the duties and fix the compensation of the Marshal, and all appointed officers.

City revenues.

SEC. 8. The manner of collecting and assessing town revenue shall be that prescribed by law for the assessing and collecting State and county revenues, and it shall be fixed by ordinance.

Trustees to order improvements.

SEC. 9. The Board of Trustees shall have power to lay out, open, widen, improve, ornament, and repair public streets and public squares within the limits of said town, and to establish the grades of said streets, and to regulate the width and manner of construction, and in the public streets and alleys already laid out, opened, and used in said Town of Ukiah, or in the streets and alleys which may be hereafter laid out and opened in said town. All expenses for graveling and planking the sidewalks, and the expense of all work and repairs necessary to keep such sidewalks in good condition, shall be assessed upon the owners of lots of each side of the street. Every owner of a lot, whether a resident or a non-resident, shall be liable for all the expenses of graveling and planking the sidewalks in front of his or her lots, but the sewerage, grading, graveling, planking, and repairs of every kind to keep said streets and alleys in good condition, shall be done at the equal one-third expense of the adjacent lots on each side of the said streets and alleys, and in proportion to the frontage, equitably adjusted at an assessed rate per foot, and one-third of such expense shall be paid by the Town of Ukiah City.

Property liable for expenses.

Petitions.

SEC. 10. Whenever two or more property holders shall petition the Board of Trustees, and the Trustees deem it necessary and convenient for the use of the public, to lay out and open any new street or alley in said town, they shall have power to do so; and the damages incurred by the laying out of such streets and alleys shall be assessed upon the parties in the vicinity of said streets and alleys, who, in the opinion of the Board of Trustees, are benefited by such location, and in proportion to the amount of frontage, equitably adjusted, at an assessed rate per foot sufficient to cover and defray the expense of such location.

Protests.

SEC. 11. The Board of Trustees by ordinance may declare and establish such work and repairs as is specified in the preceding sections of this Act, describing particularly, in such ordinance, the extent, kind, and character of the work to be done, and fixing the time within which it shall be done; *provided*, a majority of the persons or occupants owning land on said street or alleys proposed to be laid out and opened, repaired, or graveled, shall, within ten days from the date of said ordinance, file with the Clerk of the Board

of Trustees a written protest against such proposed work as the ordinance may set forth, all proceedings by the Board of Trustees, in relation to the work to be done, shall be discontinued, and shall not be renewed within one year from the date of said protest.

SEC. 12. Whenever such ordinance may be passed, the owner or occupant of the lot may proceed to do the graveling, paying, or planking of the sidewalks, or the graveling or planking of the street, each separate and distinct owner being at liberty, and being required, under the direction of the Board of Trustees, to do, or cause to be done, at his own expense, the work, repairs, and improvements, in front of his own premises, one-third of the width of the street, and within such time as may be specified in such ordinance.

Certain work to be done by owners.

SEC. 13. Whenever such work shall not be done by such owner or occupant within the time prescribed, said Board of Trustees may levy an assessment upon all such lots, where such work has not been done, sufficient in amount to defray the expense of such work, which assessment shall be levied and collected by suit, in the same manner and under the same provisions of law whereby town taxes now or may be hereafter collected; and every such assessment shall become, and hereby is declared to be, a lien upon said lots, severally, to attach at the date of publication of any such ordinance.

In case of neglect, Trustees to order work.

SEC. 14. On work herein authorized and required to be done by the Board of Trustees, shall, in all cases when not done by the owner or occupant of the lot, be let out to the lowest bidder offering adequate security. Before giving out any contract to do such work, the Trustees shall cause notices to be posted, or inserted in a newspaper, if any be published in said town, for one week, inviting sealed proposals for the work contemplated to be done. Such proposal or proposals shall be opened and examined in public session, and all contracts shall be awarded as hereinbefore provided.

Proposals for work.

SEC. 15. The territory included within the boundaries of said corporate limits is a road district, within the meaning of section two thousand six hundred and forty-eight of the Political Code of the State of California.

Road district.

SEC. 16. All work done by the Road Overseer shall be done by direction of the Board of Trustees.

SEC. 17. The Board of Trustees, in the name of the Town of Ukiah City, are hereby authorized and empowered, under the provisions of Title VII., Part III., of the Code of Civil Procedure of the State of California, to condemn, take, and appropriate lands and the right of way through lands and premises, when the same cannot be obtained by purchase from or agreement with the owners, for the purpose of opening, widening, laying out, and straightening streets and alleys in said town; for reservoir sites, tanks, and cisterns, and for laying of pipes from the same, and for sewers, sewerage, and drainage through any premises where the same may be necessary for the public health and convenience; and the provisions of Title VII. of said Code, and the proceedings thereunder to be taken, are hereby declared to be and are made

Right of Trustees to condemn, etc.

applicable, in so far as the same can be made, to the purposes hereinbefore set forth.

Public
pound.

SEC. 18. The Board of Trustees shall have power to establish a Pound, for the impounding of stray and loose cattle, hogs, or other animals found at large in said town; and appoint a Poundmaster, who shall have power, with the approval of the Trustees, to appoint a deputy, to take charge of the same; and the Board of Trustees shall have power to pass all proper ordinances, defining and describing the duties of such officers, to prohibit the owners of such animals and cattle from permitting the same to run at large, and to regulate the impounding. And the certificate of sale of the Poundmaster shall be, and hereby is, declared prima facie evidence of title to property sold by him, under the provisions of the ordinances of said town.

Fiscal year.

SEC. 19. The fiscal year of said town shall commence on the first day of April of each year, and end on the last day of March of the ensuing year. The taxes of said town shall be annually: first, a general tax on all the property in the town subject to taxation, not exceeding one-quarter of one per cent. of the assessed value thereof, for general purposes.

Taxes.

SEC. 20. This Act shall take effect from and after its passage.

CHAP. CLIX.—*An Act to amend an Act entitled an Act to fix the salaries of certain officers in the County of Alameda, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 8, 1876.]

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

Terms and
salaries of
certain
officers.

SECTION 1. Section five of an Act entitled an Act to fix the salaries of certain officers in the County of Alameda, and for other purposes, approved February twenty-seventh, eighteen hundred and seventy-four, is hereby amended to read as follows: Section 5. The County Treasurer elected at the general election in eighteen hundred and seventy-five, and his successors in office, shall, during his term of office, be ex officio Tax Collector, and the County Clerk elected at said election, and his successors in office, shall, during his term of office, be ex officio County Auditor; and the salary prescribed in said Act, of which this Act is amendatory, for said County Treasurer and County Clerk, respectively, shall be in full compensation for the services of said County Treasurer, as Treasurer and Tax Collector, and for the services of said County Clerk, as County Clerk and Auditor; and the salary of Tax Collector and of Auditor is hereby abolished.

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

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

CHAP. CLX.—*An Act to amend an Act entitled "An Act concerning roads and highwags in the County of Santa Clara, approved March eighteenth, eighteen hundred and seventy-four."*

[Approved March 9, 1876.]

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

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The Board of Supervisors, upon the establishment thereof, shall give to each public road and highway an appropriate name, which name may be changed by the Board whenever the same may be deemed necessary, and each road shall thereafter be known and designated by the name thus given. Highways to be designated.

SEC. 2. Section twenty-one of said Act is hereby amended so as to read as follows: Section 21. For all the purposes of this Act the districts as now or may be established for the election of Supervisors shall constitute the road districts, and road districts shall bear the same name as the said supervisors districts, and shall be changed whenever said supervisors districts are changed, so as at all times to correspond with them. Road districts.

SEC. 3. Section twenty-four of said Act is hereby amended so as to read as follows: Section 24. From the road taxes collected from all sources, the Board of Supervisors may, annually, set apart a sum not exceeding ten per cent. from the amount collected in each road district for repairing bridges and culverts, which shall be known as the Bridge and Culvert Fund, from which they may direct such amounts to be paid as may be found necessary for repairs, but in which the inhabitants of all the road districts are more or less interested, and shall be applied exclusively to that purpose. The object of such special appropriation of said General Bridge and Culvert Fund must be specified in the order made therefor. Bridge and Culvert Fund.

SEC. 4. Section twenty-five of said Act is hereby repealed. Repeal.

SEC. 5. Section twenty-six of said Act is hereby amended so as to read as follows: Section 26. Any person or persons, body politic or corporate, who shall obstruct, injure, or damage any public highway, either by placing obstruction therein or by digging in, deepening, or deviating the waters of any stream, or by placing any obstruction in any ditch or stream within or along any public highway, or by placing or constructing any obstruction, ditch, or embankment, upon their own or other lands, so as to make or cause any water to flow upon or impair any public highway; or shall ride or drive upon and along the sidewalk or sidewalks of any highway, whenever such sidewalks have been graded or graveled, located, designated by any order of the Board of Supervisors, or prepared in any other manner, dedicating and designating the same for and to that particular use and purpose, either by the property owner or by the public, or in any other manner injure or obstruct any public highway, shall Penalty for obstructing or injuring streets.

be deemed guilty of a misdemeanor, and shall be liable to prosecution before any Justice of the Peace in said county, and, upon conviction of the violation of any of the provisions of this section, shall be punished by a fine of not less than ten nor more than fifty dollars, to be collected as other fines are collected; and any such person shall be further liable, at the suit of the Roadmaster of the district, in the sum of five dollars for each and every day such obstruction is allowed to remain, after being notified to remove or remedy the same by the Roadmaster of the district, or any member of the Board of Supervisors. It shall be the duty of the Roadmaster of any district wherein such obstruction, injury, or damage exists, to make a complaint against the person or persons so obstructing or injuring any public highway in his district, before any Justice of the Peace of the county.

Duties of
Roadmaster.

SEC. 6. Section thirty-one of said Act is hereby amended so as to read as follows: Section 31. On or before the first Monday in August in each year each Supervisor, ex officio Roadmaster, shall prepare a full statement of the labor performed in his district, tools, teams, implements, or materials hired or purchased, the amount of money paid out, to whom and for what paid; also, the amount certified to for labor done, or for tools, teams, implements, or materials furnished, and to whom such certificates have been issued. But no Roadmaster shall, under any circumstances, employ his own teams or wagons, or use his own material, in doing work within his district. Each Roadmaster shall have charge of and be responsible for all tools and implements purchased for or belonging to his district; and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor, or to some person designated by the Supervisors to receive them.

Trespass.

SEC. 7. Section thirty-seven of said Act is hereby amended to read as follows: Section 37. No stock of any kind whatever shall be allowed to pasture upon any public highway, and it shall be the duty of all Roadmasters, within their respective districts, to take up all animals found pasturing upon the public highways, and to deal with such animals as provided in an Act entitled an Act concerning estrays and animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three, amended March twenty-seventh, eighteen hundred and seventy-two; and said Roadmasters are hereby empowered and directed to proceed under said Act against all animals found running or trespassing upon the public highways.

Road funds,
how used.

SEC. 8. Section thirty-eight of said Act is hereby amended so as to read as follows: Section 38. The Board of Supervisors are hereby authorized and directed, by proper order in that behalf, to turn over to the corporate authorities of any incorporated city or town in the county, fifty per cent. of all the road taxes collected within the corporate limits of such a town or city. All moneys so turned over shall be

used by the corporate authorities of such city or town exclusively in the improvement of the highways therein. The Board of Supervisors shall fix the amount of money to be turned over under this section by proper order, and shall order the proper warrants drawn therefor in favor of the proper authorities of such town or city.

SEC. 9. Whenever "Roadmaster" is used in this Act, it is meant to apply to the Supervisor, ex officio Roadmaster. "Roadmaster" defined.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the County of Santa Clara is concerned.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CLXI.—*An Act to fix the salary of the Superintendent of Public Schools of the City of Oakland, and to limit the powers of the Board of Education of said city.*

[Approved March 9, 1876.]

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

SECTION 1. The Superintendent of Public Schools of the City of Oakland shall act as Secretary and Book-keeper of the Board of Education, and perform all clerical duties required by the Board; and for all services as Superintendent, Secretary, and Book-keeper, he shall receive a salary of twenty-four hundred dollars per annum. Superintendent, duties and salary.

SEC. 2. The Board shall appoint one of their members to act as Secretary in the absence of the Superintendent.

SEC. 3. The City Council shall, in each year, after receiving from the Board of Education the estimated amount required for school purposes from the city, fix, in its discretion, the percentage to be assessed and collected for said purpose within the city; *provided*, that such percentage shall not exceed forty cents upon each one hundred dollars of the valuation upon the assessment roll of the city. Board to fix rate of school tax.

SEC. 4. From and after the election and qualification of the Superintendent of Public Schools in said city, in the year one thousand eight hundred and seventy-six, no compensation for clerical services in said Board shall be allowed, except as provided in this Act. Clerical services.

SEC. 5. All parts of Acts in conflict herewith are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. CLXIII.—*An Act to amend an Act entitled "An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof," approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 9, 1876.]

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

Treasurer,
salary and
fees of.

SECTION 1. Section five of said Act is hereby amended to read as follows: Section 5. The salary of the County Treasurer shall be twenty-seven hundred dollars per annum, and, in addition thereto, he shall be entitled to receive the same fees and percentage for the collection of licenses as are now allowed by law to the Tax Collector for that service, which said salary and fees shall be the only compensation received by him for any services rendered as such Treasurer or as ex officio Tax Collector, except the mileage allowed him by the State for traveling to the Capitol to make his settlements.

District
Attorney,
same.

SEC. 2. Section six of said Act is hereby amended to read as follows: Section 6. The salary of the District Attorney shall be one thousand dollars per annum, and, in addition thereto, he shall be entitled to charge and receive fees as follows: Ten per cent. on all forfeited bonds and recognizances collected by him, if paid before action is commenced thereon, otherwise fifteen (15) per cent. on the amount recovered. For all amounts collected by him for the State or county, other than forfeited bonds or recognizances, ten (10) per cent. on the amount collected. For every conviction had under the Act to prohibit gaming, fifty dollars; for every conviction of felony, where the penalty is death, or imprisonment which may extend during the life of the person convicted thereof, fifty dollars; for every other conviction of felony, twenty-five dollars; and for every conviction of a misdemeanor, fifteen dollars, to be assessed as costs against the party convicted; but, in case of failure to collect the same, then said fees shall become a charge against the county, and must be audited by the Board of Supervisors and paid out of the County Salary Fund.

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

CHAP. CLXIV.—*An Act providing for the transfer of certain Court papers from Santa Barbara County to Ventura County.*

[Approved March 9, 1876.]

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

Clerk to
transfer
papers.

SECTION 1. The County Clerk of the County of Santa Barbara is hereby authorized to transfer to the office of the

County Clerk of Ventura County, all papers in the District and Probate Courts, now on file in his office, which relate exclusively to persons and property belonging to Ventura County.

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

CHAP. CLXV.—[See volume of *Amendments to the Codes.*]

CHAP. CLXVI.—*An Act to fix the terms of the County and Probate Courts in and for the County of Modoc.*

[Approved March 9, 1876.]

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

SECTION 1. The regular terms of the County and Probate Courts in and for the County of Modoc shall be held at the county seat of said county on the first Monday in February, the first Monday in April, the first Monday in June, the first Monday in August, and the first Monday in November in each year.

County and
Probate
Courts, terms
fixed.

CHAP. CLXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CLXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CLXIX.—*An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma, and State of California, approved February twenty-eighth, one thousand eight hundred and seventy-two.*

[Approved March 9, 1876.]

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

SECTION 1. Section four of said Act is hereby amended to read as follows: Section 4. The Board of Trustees shall have power to pass such ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary for the following pur-

Powers
granted to
Board of
Trustees.

poses: To prevent and remove nuisances within the limits of said town; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, merchants, livery stables, feed stables, butcher-shops, draymen, omnibuses, truckmen, express and job wagons, hotels, victualing-houses, restaurants, stage companies carrying passengers to and from said town, bar-rooms at which spirituous or malt liquors are sold; to license and regulate tippling-houses, saloons, theatricals, circuses, and all shows, concerts, and places of amusement, hawkers, peddlers, and pawnbrokers; to regulate and prohibit dance-houses, houses of ill-fame, and disorderly houses of all kinds; to provide such means as they may deem necessary to protect the town from injuries by fire; to levy and collect annually a tax on all property in said town, not exceeding one-quarter of one per cent. on the assessed valuation thereof; to impose and collect a poll-tax of not exceeding (1) one dollar per annum, on every male inhabitant of twenty-one years of age and upwards; to impose and collect a license or tax on all dogs within the limits of said town, not exceeding (3) three dollars per annum; and to pass such other ordinances as they may deem necessary. But they shall not have the power to contract any debt or debts which, singly or in the aggregate, shall exceed the sum of (2) two hundred and (50) fifty dollars, gold coin, unless by the consent of the majority of the voters of said town, voting at a special election ordered by the Trustees of said town, of which election public notice shall be given by notices posted, or by publication in a newspaper, if there be one in said town, for at least (10) ten days prior to such election; and no debt or debts contracted, in pursuance of such consent, shall, singly or in the aggregate, exceed in amount one per cent. of the assessed valuation, in the previous year, of the property within the corporate limits of the town.

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

Poll taxes,
licenses, etc.

CHAP. CLXX.—*An Act to fix the salary and bond of the Assessors of the Counties of Tulare and Kern.*

[Approved March 9, 1876.]

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

Assessors'
salaries.

SECTION 1. The salary of the Assessors of the Counties of Tulare and Kern shall be fixed at fifteen hundred (\$1500) dollars per annum, and shall be payable in two equal payments, on the first Monday in August and on the first Monday in January following, out of the treasury of said counties, on warrants of the County Auditor.

Bonds of
Assessors.

SEC. 2. The bonds of the Assessors of the Counties of Tulare and Kern shall be fixed from time to time by the Board of Supervisors of said counties, in such sum as they

shall deem necessary; *provided*, said bond shall not, at any time, be fixed at a less sum than four thousand (\$4,000) dollars.

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

CHAP. CLXXI.—*An Act in relation to boundary fences and the trespass of animals in the County of San Mateo.*

[Approved March 9, 1876.]

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

SECTION 1. Coterminous owners are mutually bound equally to maintain: Coterminous owners mutually bound to maintain.

First—The boundaries and monuments between them.

Second—The fences between them, unless one of them choose to let his land lie without fencing; in which case, if he afterwards inclose it, he must refund to the other a just proportion of the value, at that time, of any division fence made by the latter; *provided*, that if the party so inclosing shall neglect or refuse to pay for the one-half of such fence, in gold coin, the land so inclosed shall become liable therefor; and the value of one-half of such fence, in gold coin, shall become and remain a lien upon such land, and shall draw interest at the rate of one (1) per cent. per month, in like gold coin, until paid. Notice of such lien shall be filed in the office of the County Recorder of said county, as is now or may hereafter be provided by law for filing notice of mechanics' lien, and foreclosed in like manner as is now or may hereafter be provided by law for the foreclosure of mechanics' liens; *provided*, that the judgment shall direct the entire tract of land to be sold, or so much thereof as shall be necessary to satisfy such lien, with interest and costs, in gold coin, or the lien may be waived and an action at law instituted against the owner of the land in default.

SEC. 2. When two or more persons own land adjoining, which is embraced by one general inclosure, or has been heretofore inclosed by partition fences, and one or more of the parties desire that a partition fence should be erected, or if already erected, that it be kept up and maintained between them, the other party or parties, when notified of such fact, shall proceed to erect, or cause to be erected, one-half of such partition fence, or if it be already erected, repair one-half of such fence; and if after six months' notice having been given, if it be to build a new fence, and ten days if it be to repair such partition fence, either party shall refuse or neglect to erect and complete one-half of such fence, or to repair the same, as the case may be, the party giving notice may proceed to erect or repair the entire partition fence, and collect one-half of the cost and expenses thereof, in gold coin, with one per cent. interest, from the party neglecting or Partition fences, notice to erect.

refusing to comply with this provision, and shall, moreover, be entitled to a lien upon the land of the party, as heretofore provided, or the lien may be waived, and an action maintained at law against the owner of the land in default.

Notice, how served

SEC. 3. The notice required by the preceding section shall be in writing, and may be served by delivering a copy thereof to the owner of the adjoining land, or to one of them, if there be more than one jointly interested, or to the occupant of said land, and in case service of said notice cannot be had on the owner upon the land, or on an occupant in possession, then service may be made by posting a copy in a conspicuous place on the land to be affected thereby, and filing a copy thereof in the office of the County Recorder of the county where the land is situated, and inclosing a copy of said notice, and depositing in the post-office, with the necessary postage prepaid, addressed to the owner or owners of the lands to be affected thereby, at his or their place of residence, if known, and if not known, then by publication of said notice for one insertion in a newspaper published in said county.

Manner of constructing fences

SEC. 4. Fences required by this Act may be constructed of posts and rails, posts and boards, pickets or palings, or may be a stone wall, but must be of sufficient height and strength and so constructed as to be sufficient to turn ordinary animals; *provided*, that natural water-courses not ordinarily passable by domestic animals, and deep gulches and gorges which can be secured against animals by means of brush or picket fences, shall be deemed to be secured by a sufficient partition fence.

Trespass by animals

SEC. 5. Any owner or occupant of any lands or possessory claim, finding any animals which have done or are doing damage on his lands, whether the same be inclosed by a lawful fence or not, may take up or safely keep such animals, or maintain an action for damages against the owner of such animals in the manner provided by an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two; *provided*, that any person who shall, after notice having been given as heretofore provided in this Act, neglect or refuse to erect or repair his proportion of any partition fence, shall not after such neglect or refusal be allowed to take up any animals found trespassing on his lands, belonging to the party giving such notice, or maintain any action for damages while such party so neglecting and refusing continues in default.

Action for damages

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act, in so far as they concern the County of San Mateo, are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after the first day of May, eighteen hundred and seventy-six

CHAP. CLXXII.—*An Act to provide for constructing division fences.*

[Approved March 9, 1876.]

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

SECTION 1. When two or more persons own land adjoining, which is inclosed by one fence, in either the Counties of Sacramento, Solano, Sutter, Yuba, Butte, Contra Costa, and in that portion of San Joaquin County lying and being north and east of the San Joaquin River, Amador, San Luis Obispo, Santa Barbara, Ventura, Tulare, El Dorado, Tuolumne, San Mateo, and Nevada, and it becomes necessary for the protection of the rights and interests of one party that a partition fence should be made between them, the other or others, when notified, shall proceed to erect, or cause to be erected, one-half of such partition fence; said fence to be erected on, or as near as practicable, the line of said land. And if, after notice given in writing, or after determination of the Viewers, as provided in section six hereof, either party shall fail to proceed to erect, or cause to be erected and completed, within six months' time thereafter, one-half of such fence, the party giving the notice may proceed to erect or cause to be erected, the entire partition fence, and collect by law one-half of the costs of such fence from the other party, and he shall be entitled to a lien upon the land thus partitioned, as provided in section one of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act concerning lawful fences, approved April third, eighteen hundred and sixty.

Erection of partition fences

Persons interested to be notified

SEC. 2. Lawful division fences are described as follows:

First—If made of stone, four feet high, three feet base, and one foot thick on the top.

Lawful division fences described.

Second—If it be worm fence, the rails should be well laid, and at least five feet high.

Third—If made of posts and boards, the posts must be set well in the ground, not less than eighteen inches, and not wider apart than eight feet. If intended to turn all stock, it shall be at least five six-inch boards, or four eight-inch boards high, or four boards high, with a ditch embankment equal to one board, or four six-inch boards high with a wire on top; the boards to be six inches wide and one inch thick; the top board to be four and one-half feet from the ground, the spaces well divided, and the boards securely nailed to the posts. If intended as by mutual agreement in writing, a lawful fence to turn only neat cattle, horses, and mules, a three-board fence shall be deemed sufficient; the bottom board to be two feet from the ground.

Fourth—If made of pickets, posts and rails, or posts and poles, and a ditch or ditches, the fence must be equally strong and secure as a fence made as described in the last subdivision.

Fifth—If made of wire, posts and poles, ditch, pickets,

- hedge, brush, or of any other materials, the fence, to be lawful, must be equal in strength and capacity to turn stock as the fence described in the third subdivision of this section.
- Dimensions of posts.** SEC. 3. All posts used in such fences shall be at least twelve inches in circumference, set at least eighteen inches in the ground, and must be replaced when and as often as the fence shall become decayed.
- Duty of owners** SEC. 4. Each coterminous land owner shall construct and keep in repair a just proportion of the line fence between their respective tracts of land, unless the owner of one or both of said tracts shall choose to allow his land to lie uninclosed.
- Liability of adjoining owners.** SEC. 5. When one of such adjoining proprietors shall have allowed his land to lie uninclosed, and afterwards shall inclose it, he shall owe and be indebted to such adjoining owner one-half the value of any division fence owned by the other, used by him in forming such inclosure; and each shall thereafter keep one-half of such fence in repair.
- Disagreement, Viewers to decide.** SEC. 6. If adjoining proprietors cannot agree as to the proportion or the particular part of a division fence to be made, maintained, or kept in repair by each respectively, either party may apply, on five days' notice, to a Justice of the Peace of the township, if there be one, if not, to the County Judge, for the appointment of three Viewers, who may examine witnesses on oath, and view the premises, and must determine:
- First*—If the fence is owned by one proprietor, how much the other shall pay as his proportion of the value.
- Second*—If the fence, or the whole thereof, is not built, which part thereof shall afterwards be built and kept in repair by each. The determination of the Viewers shall be reduced to writing and signed by them, and shall be filed in the office of the County Clerk, and such determination shall be conclusive upon the parties. If any part of such determination shall consist in fixing the value of a fence, for which one party is to pay the other a proportion also fixed, such proportion shall be paid within thirty days after notice of such determination, and if not so paid may be recovered by action in any Court of competent jurisdiction. The Viewers shall be entitled to a fee of three dollars each, one-half to be paid by each proprietor.
- Viewers to file report.** SEC. 7. Nothing in this Act shall be held to repeal or affect subdivision fourteen of section eight hundred and one of the Civil Code, nor sections eight hundred and forty and eight hundred and forty-one of said Code, but this Act shall be deemed cumulative.
- Fees of viewers.** SEC. 8. This Act shall be in force from and after its passage.

CHAP. CLXXIII.—*An Act for the payment of the claim of A. L. Bancroft & Co.*

[Approved March 9, 1876.]

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

SECTION 1. The sum of two thousand seven hundred dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the payment of A. L. Bancroft & Co. for three hundred volumes each, of volumes forty-seven, forty-eight, and forty-nine of the California Supreme Court Reports, the same having been received by the Secretary of State, in accordance with the provisions of section seven hundred and eighty-one of the Political Code: Appropriation to pay claim.

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

CHAP. CLXXIV.—*An Act to amend an Act entitled an Act supplementary to an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 10, 1876.]

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 supplementary to an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four, approved March eighteenth, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Section 1. The Board of Supervisors of San Benito County are authorized and directed, at their regular meeting in May, eighteen hundred and seventy-six, to appoint two citizens and tax-payers, residents of San Benito County, to act as members of a Board of Commissioners, with the powers and duties herein mentioned. Commissioners on behalf of San Benito County. The Board of Supervisors of Monterey County are authorized and directed, at their regular meeting in May, eighteen hundred and seventy-six, to appoint two citizens and tax-payers, residents of Monterey County, to act as members of the Board of Commissioners above named. Same, Monterey County. The four persons appointed as above provided shall constitute a Board of Commissioners to determine and settle all financial differences between the said Counties of Monterey and San Benito. Said Commissioners shall meet on the first Monday in June,

Commissioners to jointly determine indebtedness of counties.

A. D. eighteen hundred and seventy-six, at Salinas City, Monterey County, and, after being sworn a President and Secretary, and shall immediately proceed to determine the indebtedness, if any, of Monterey County on the twelfth day of February, A. D. eighteen hundred and seventy-four. Said indebtedness shall be not only that ascertained and established by the Board of Supervisors of Monterey County prior to said twelfth day of February, A. D. eighteen hundred and seventy-four, but such indebtedness as was subsequently ascertained and determined and allowed by said Board on bills and accounts which should have been presented to such Board of Supervisors prior to said date, and which were due and owing and legal charges against said Monterey County on said twelfth day of February. After ascertaining said indebtedness, they shall then ascertain the total market cash value of all the assets and real and personal property belonging to Monterey County at said date. They shall then, also, ascertain the assessed value, under the assessment of the year eighteen hundred and seventy-three, of the property of Monterey County, and of the property in the territory hereby set apart to form San Benito County. Then, after deducting the total value of assets and property aforesaid from said amount of said indebtedness, so as to ascertain the actual indebtedness, if any, the proportion due from the County of San Benito shall be ascertained as follows: As the total assessed value of property in the territory taken from Monterey County to form San Benito County is to the total assessed value of said Monterey County, so shall be the proportion of the actual indebtedness of San Benito County to Monterey County. But if said Commissioners ascertain that the assets and property belonging to Monterey County exceeds the said ascertained indebtedness as herein named, then they shall ascertain, in the same manner as herein named, the proportion thereof belonging to San Benito County, and when so ascertained, said Commissioners shall certify to the Board of Supervisors of their respective counties the amount of said excess of debt or value. In case of the death, resignation, or failure to qualify of either of the Commissioners herein appointed, the vacancy shall be filled by the Board of Supervisors of the county to which said Commissioner belonged. If a majority of said Commissioners cannot agree upon any of the matters herein submitted to them, then and in that event the Hon. David Belden, District Judge of the Third Judicial District of the State of California, on the application of any two of said Commissioners, shall appoint some citizen and tax-payer of this State, and not a resident of either of said counties. The person so appointed shall constitute a member of said Commission, and the judgment of a majority of such Commission shall be final. If said indebtedness exceeds the said value as herein named, then the Board of Supervisors of San Benito County shall cause to be issued forthwith the bonds of San Benito County, payable in five years from date of issue, to the County of Monterey for

Vacancies on Commission.

Bonds may be issued by San Benito to Monterey County.

such sum as shall be so certified by said Board of Commissioners; and if said assets and property exceed said debt, then the Board of Supervisors of Monterey County shall cause to be issued the bonds of Monterey County, payable in five years from date of issue, to the County of San Benito, for such sum as shall be so certified by said Board of Commissioners to be due. In either case, the bonds so issued shall bear interest at the rate of seven per cent. per annum, payable annually; and said Board so issuing said bonds shall levy annually, and cause to be collected as other State and county taxes are collected, a tax of not less than three cents on each one hundred dollars of value of the taxable property in the county, which, when so collected, shall be set aside and appropriated to the payment of the interest on said bonds so issued, and shall be paid on said bonds whenever the amount of five hundred dollars shall have been received and said bonds presented for payment.

Bonds, by Monterey to San Benito County

Bond and interest tax.

SEC. 2. Section two is hereby amended so as to read as follows: Section 2. Said Commissioners shall receive ten dollars per day from their respective counties; *provided*, that if a fifth Commissioner be appointed as herein provided, his services shall be paid by the two counties jointly.

Compensation of Commissioners.

SEC. 3. Section five is hereby amended so as to read as follows: Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CLXXV.—*An Act to enable Point Pleasant School District, of Sacramento County, to pay its school teacher.*

[Approved March 10, 1876.]

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

SECTION 1. The Trustees of Point Pleasant School District, of Sacramento County, are hereby authorized to draw their order upon the County Superintendent of Schools of Sacramento County in favor of W. Perkins, for the sum of two hundred and eighty dollars, in gold coin, to pay said Perkins for teaching the school in said district from July twelfth, eighteen hundred and seventy-five, to November twelfth, eighteen hundred and seventy-five, four months, at an agreed salary of seventy dollars per month, in gold coin.

Trustees to order payment of teacher.

SEC. 2. The County Superintendent of Schools of Sacramento County is hereby authorized, upon receipt of the order mentioned in section one, to draw his warrant upon the County Treasurer of Sacramento County against the School Fund of said Point Pleasant School District, to pay said sum of two hundred and eighty dollars to said Perkins.

Payment provided for.

SEC. 3. The County Treasurer of Sacramento County is hereby authorized to pay said warrant mentioned in section

Same.

two out of the School Fund of said Point Pleasant School District.

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

CHAP. CLXXVI.—*An Act to provide for the collection of road poll-taxes in the County of Marin.*

[Approved March 11, 1876.]

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

Road poll-tax.

SECTION 1. Every male inhabitant of a road district in the County of Marin, over twenty-one and under fifty years of age, must pay the sum of two dollars annually to the Road Overseer of the road district in which he resides, to be known as the road poll-tax, or perform two days' labor upon the roads and highways of the district under the demand and direction of the Road Overseer thereof.

Work on roads.

SEC. 2. Each person appearing must actually work eight hours each day, to be credited to him by the Overseer; for every hour lost or idled away, he must be charged two hours, to be worked out on some other day, under notice from the Road Overseer.

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

CHAP. CLXXVII.—*An Act to prevent hogs and goats running at large in the Town of Woodbridge, San Joaquin County.*

[Approved March 11, 1876.]

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

SECTION 1. It shall be unlawful for hogs or goats to run at large in the Town of Woodbridge, San Joaquin County.

Constable to take up animals.

SEC. 2. It shall be the duty of the Constables of Elk Horn Township, San Joaquin County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Woodbridge.

Sales of animals.

SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days' public notice of such sale by posting notices on three public places within the town site where such animals are so taken up, and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constables to the owner or owners of the animal or animals, on demand, if demanded within sixty days of the date of sale; otherwise it shall, at the expi-

ration of the said sixty days, be paid into the county treasury of San Joaquin County, and placed to the credit of Woods School District, and become a part of the fund of said district.

Proceeds,
how used.

SEC. 4. Any Constable purposely refusing or neglecting to take all hogs or goats running at large within the limits of the town site of Woodbridge, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars, and not more than twenty-five dollars.

Penalty for
neglect.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

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

CHAP. CLXXVIII.—[See volume of *Amendments to the Codes*.]

CHAP. CLXXIX.—*An Act to provide a new Great Register for the County of Solano, and re-register the voters thereof.*

[Approved March 11, 1876.]

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

SECTION 1. The Clerk of the County of Solano must, within thirty days after the passage of this Act, procure a new book or books for the registration of electors of said county, to be known as the Great Register of the County of Solano, in which must be registered the names of all the qualified electors of said county, in the manner required by Chapter Three of Article Three of Title Two of the Political Code, except as in this Act otherwise provided.

Clerk to
procure a
new Great
Register.

SEC. 2. Upon the demand of any elector of said county whose name appears on the former Great Register thereof, and who shall show to the satisfaction of the Clerk or Assessor of said county that he is the person named therein, it shall be the duty of said Clerk or Assessor, and the deputy or deputies of said officers, to register or enroll the name of such person without registering the proof by affidavit, as provided in section one thousand and ninety-seven (1097) of the Political Code.

Affidavits of
electors,
when not
required.

SEC. 3. Upon the demand of any naturalized citizen, resident of said county, whose name appears regularly registered upon the former Great Register thereof, and who shall show to the satisfaction of the said Clerk or Assessor, or of their deputies, that he is the person therein named, his name shall be registered or enrolled without the production of his certificate of naturalization or proof of the loss of the same.

Naturaliza-
tion certifi-
cates, when
not required.

Clerk to give
notice to
electors.

SEC. 4. It shall be the duty of the said Clerk to appear in person or by deputy at some public place in each of the several townships in said county, at least thirty days prior to the general election to be held on the seventh day of November, eighteen hundred and seventy-six, for the purpose of registering the names of the said electors, of which due notice of the time and place shall be given in such manner as the Board of Supervisors of said county may direct.

Fees of
Clerk.

SEC. 5. The Clerk shall be entitled to receive for his own use the sum of twenty (20) cents for each name registered by him or his deputies, for registration, which fees, with the cost of procuring the necessary lists and books, shall be a county charge.

Former
Register
preserved.

SEC. 6. The former Great Register must be preserved by the said County Clerk, but the same shall not be used for the purpose of any election after the first day of August, eighteen hundred and seventy-six.

SEC. 7. This Act shall take effect immediately, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CLXXX.—*An Act to provide for the building of a school-house in Pajaro School District, in the County of Santa Cruz.*

[Approved March 11, 1876.]

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

School Trus-
tees to call
election.

SECTION 1. The Board of Trustees of Pajaro School District, in the County of Santa Cruz, State of California, are hereby authorized, at any time within twenty months from and after the passage of this Act, to call one or more elections of the qualified voters of said district, to submit to them the question whether or not bonds of said district, to an amount not exceeding fifteen thousand (\$15,000) dollars, shall be issued for the purpose of building and furnishing an additional school-house in said district, purchasing a site therefor, and for the purpose of electing an Assessor and Collector for said school district.

Elections,
how called;
purposes of

SEC. 2. Each and every of said elections must be called by the posting of notices in three (3) of the most public places in said district, for at least twenty (20) days preceding the time of holding said election. Such notices must specify the time and place of holding the election, the amount of bonds proposed to be issued, and the purpose for which the money derived from the sale thereof is to be used, and the officers to be elected thereat.

Election
Judges.

SEC. 3. Said Board of Trustees must appoint three Judges to conduct the election, and it must be held in all respects, as nearly as practicable, in conformity with the general election law of the State of California.

SEC. 4. At each and every election so called, the ballots must contain the words "Issuance of Bonds—Yes," or "Issuance of Bonds—No," and also, the name of any one person as Assessor, and one as Collector, or the same person may be elected to both offices.

Ballots, form of

SEC. 5. If a majority of the votes cast at any such election are "Issuance of Bonds—Yes," the officers of the election must certify the fact to the said Board of Trustees, and also certify the name or names of the person or persons having the plurality of the votes cast for Assessor and Collector, and the said Board of Trustees must thereupon issue certificates of election to such person or persons, and must, as soon as is expedient thereafter, cause to be advertised in one or more newspapers published in this State, a notice, for the period of at least twenty days, that said Board will receive plans and specifications, at a time and place therein mentioned, for a school-house to be built in the Town of Watsonville, in said Pajaro School District, in said county, the Board reserving the right to reject any and all of the plans and specifications for the construction of said school-house, and in the event of the adoption of any plan and specifications presented, said Board may allow the architect or person so presenting the same, such compensation therefor as shall be reasonable.

Result of election, Trustees to be notified of.

Trustees to advertise for plans, etc.

SEC. 6. Immediately after the adoption of the plans and specifications for said school-house, said Board of Trustees must cause to be advertised in one or more newspapers published in this State, a notice, for the period of at least twenty days, the said Board will receive sealed proposals and bids, at a time and place therein designated, for the building of said school-house in said Town of Watsonville, in said school district, in accordance with the plans and specifications adopted, the Board reserving the right to reject any and all proposals and bids for the construction of said school-house, which in its judgment may be too high in price; and in the event of the acceptance of any of the proposals and bid of any person or persons for the building of said school-house, said Board must award the contract to build the same to such person or persons, on his or their furnishing a good and sufficient bond, in double the amount of said bid, conditioned that he or they will perform said contract in a skillful and workmanlike manner, in strict conformity with the plans and specifications adopted, and within the time prescribed by said Board. Said bond must be approved by the County Judge of said Santa Cruz County.

Proposals and bids.

Awarding of contract

Bond of contractor.

SEC. 7. Said Board of Trustees may, if they deem it necessary, employ an attorney-at-law, whose duty it shall be to advise them upon all matters arising under this Act, and to draw up the said contract for the erection of said school-house; and they are hereby authorized to pay such attorney a reasonable compensation for his services.

Board to employ attorney.

SEC. 8. Said Board may, in like manner, if they deem it necessary and proper, appoint a skillful person to superintend the construction of said building, or of any portion thereof, whose duty it shall be to see that the material used

Superintendent of work.

in the construction thereof is of the kind and quality contracted for; that the work thereon is done in a good and workmanlike manner; and, generally, that all the provisions of the contract, in relation to the erection of said building, are faithfully carried out; and said Board is hereby authorized to pay said Superintendent a reasonable compensation for his said services.

Trustees to
select site

SEC. 9. Said school-house shall be erected in the said Town of Watsonville, on such site as said Board of Trustees may select and purchase, or otherwise acquire the legal title to.

Trustees to
issue bonds.

SEC. 10. The said Board of Trustees is hereby authorized to issue the bonds of said district, in a sum not to exceed fifteen thousand dollars, to be styled "Pajaro School District Bonds," payable in annual installments of not less than one thousand dollars of the principal, on the second Monday of January of each year after the issuance thereof, until the whole of said bonds are paid. Said bonds shall bear interest from the date of their issuance, at the rate of ten per cent. per annum, payable semi-annually, on the second Monday of January and of July of each year after their issuance. The principal and interest of said bonds shall be payable in gold coin, at the office of the County Treasurer of said county. Said bonds must be issued in denominations of one hundred or five hundred dollars each, and must be numbered consecutively, and signed by the Clerk of said district, by the Superintendent of Schools in said county, and countersigned by the County Treasurer of said county. Each of said bonds must have attached thereto coupons for the interest to accrue thereon. In the first coupon on each bond a sum must be inserted for the amount of interest to accrue on each bond from the date of issuance until the next date herein fixed for the payment of such interest. Each of the other coupons must have inserted therein a sum representing the full semi-annual interest on each bond. Said coupons must be numbered on each bond, from one, consecutively, and must each be signed and countersigned in the same manner as the bonds. The District Clerk, County Superintendent of Public Schools, and County Treasurer of said county, must each keep a list of said bonds, showing the amount of bonds issued, the date of issuance, their number, the sum for which each bond is issued, and the name of the person to whom issued, which list shall during office hours be open to the inspection of the public. Said bonds, from the time they are issued until paid, as herein provided, shall be a lien on all the property in said district as now constituted.

Interest
coupons.

Redemption
of bonds, pro-
posals for.

SEC. 11. During the first week in December in each year, after the issuance of said bonds, the Board of Trustees shall cause to be advertised, for the period of at least two weeks, in some one or more newspapers published in said Town of Watsonville, a notice calling for sealed proposals from the holders of said bonds for the surrender of such an amount thereof as there may be money in the treasury to redeem. On the day specified in the notice, at twelve o'clock m., the Board of Trustees must meet at the office of the District

Clerk to consider the proposals received, and then must make an order for the redemption of the bonds offered for the least sum below their par value, to the extent of the money in the treasury for that purpose; *provided*, no bids for more than the par value of said bonds shall be received under any circumstances; *provided, further*, if upon the day specified in such notice no bids for the surrender of any bonds, or of a number insufficient to exhaust the money in the treasury available for the redemption, is received, then the said Board is hereby authorized and required to order to be paid such number of the outstanding bonds, the first on the list of the District Clerk, at their par value, as the money in the treasury applicable thereto will redeem, and within one week thereafter it shall cause said order to be published in one or more newspapers published in said Town of Watsonville for at least one week; and from the second Monday of January next after the publication of said order the bonds so ordered to be paid shall cease to bear interest. A copy of said order, certified by the District Clerk, must be delivered to the County Treasurer on or before the second Monday of January following, and on said day the County Treasurer must set apart in the treasury the sum mentioned in said order for the redemption of the bonds therein specified, and he must redeem such bonds if presented to him for payment within ten months from said date; and if not so presented, after the expiration of said ten months the County Treasurer must report such fact to said Board of Trustees, and said Board may thereafter use said money in the treasury, so set apart as aforesaid, for the redemption of other bonds outstanding; and the bonds so ordered to be paid as aforesaid, which have not been presented for payment within said ten months, at the option of said Board of Trustees, need not be paid until all other outstanding and interest-bearing bonds have been paid. All bonds and bonds and coupons redeemed shall be canceled by the County Treasurer, and disposed of by him in the same manner as he is required to cancel and dispose of the county warrants redeemed by him.

SEC. 12. For the purpose of obtaining funds to meet any obligation incurred under the provisions of this Act, the said Board of Trustees is hereby authorized to convert said bonds into money by selling the same to the highest bidder, for cash, after advertising for at least twenty days in some newspaper published in this State, for sealed proposals to purchase said bonds. The said Board, in such advertisement, must reserve the right to reject any or all bids for the purchase of said bonds, which, in its judgment, may be too low in price; *and provided*, that none of said bonds shall, under any circumstances, be sold at a discount of more than ten per cent. The proceeds derived from the sale of said bonds must be paid into the county treasury, and must by the County Treasurer be kept in a separate fund, to be known as the "Pajaro School District Building Fund," and must be used exclusively in the building and furnishing of said school-house, and in the purchase and improvement of the lot on which the same is erected, and for the payment of such

Trustees to sell bonds.

Building Fund.

incidental expenses as are herein expressly authorized. The said moneys must be paid on the warrant of the County Superintendent of Public Schools, drawn upon the order of the Board of Trustees, in the same manner as other school moneys are required to be paid.

Assessor and
Collector,
term of
office.

SEC. 13. The Assessor and Collector hereinbefore provided to be elected by the voters of said school district, shall each hold his office until the second Monday in July, one thousand eight hundred and seventy-eight, and until his successor is elected and qualified. And at the time of the election of School Trustees for said school district, in the year eighteen hundred and seventy-eight, and every two years thereafter, until all the bonds issued under the provisions of this Act, and the interest thereon, are fully redeemed and paid, the qualified electors of said school district shall elect an Assessor and Collector for said school district, whose term of office shall commence on the second Monday of July after their election, and each shall hold his said office for two years, and until his successor is elected and qualified; *provided*, that one and the same person may be elected to fill both of said offices, as the voters of said district may choose. Notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this: that the officers conducting said election must, within three days thereafter, make return thereof to said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificate or certificates of election to the person or persons having the highest number of votes cast. The person or persons elected to said offices must, within ten days after receiving his or their certificate of election, qualify by taking the oath of office and executing and filing with the District Clerk an official bond in such sum as may be fixed by the order of the Board of Trustees. Said bond must be executed in the same manner as other official bonds, and before filing must be approved by the County Judge of said county.

Elections,
how
governed.

Qualification
and oath.

Duties and
powers of
Assessors.

SEC. 14. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the first Monday in May of each year, during his continuance in office, to commence making an assessment of all the property in said district liable to taxation. Such assessment shall be made in the same manner as the assessment for State and county purposes is required to be made by law. And said District Assessor shall, within his district, have and exercise all the powers conferred by law upon County Assessors in this State. Said assessment, in each year, shall be finished, and the assessment roll delivered to the Board of Trustees of said district, on the first Monday of September of each year.

Trustees to
be District
Board of
Equaliza-
tion

SEC. 15. The Board of Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization;

their sessions as such must continue for at least three days, and not more than ten days. During their session they must equalize said assessment, and for that purpose they have the same power as the County Board of Equalization to make changes in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon all the property in said district, sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and to pay at least one thousand dollars of the principal of said bonds, together with the expenses of assessing, levying, and collecting the same. They shall compute the rate to be levied, as required by section eighteen hundred and thirty-eight of the Political Code of the State of California, in relation to other district taxes; and said taxes, when so levied, shall be a lien upon all the property in said district upon which they are assessed, which lien shall attach in each year on the first Monday in May, and shall continue until such taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser, under a valid sale, for the satisfaction of such taxes.

Trustees to levy tax.

SEC. 16. Immediately after the levy of the taxes as aforesaid, the District Clerk and Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessment, and at the same time at which the law requires the county assessment roll to be delivered to the County Collector, the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified by said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of taxes due thereon, and said District Clerk must immediately forward a copy of said receipt, certified by him, to the County Auditor of said county.

Assessment roll.

SEC. 17. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner and at the same time as the County Tax Collector is by law required to collect State and county taxes; and taxes remaining unpaid on said district assessment roll shall, in each year, become delinquent at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise within said district the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and make settlement therefor with both the County Auditor and the District Clerk, at the same time and in the same manner the County Tax Collector is required by law to do in relation to State and county taxes.

Delinquent taxes, how collected.

SEC. 18. The County Auditor, upon receiving the copy of

Auditor to
keep account
with
Collector.

the Tax Collector provided for in section sixteen of this Act, must charge the District Collector with the amount of the taxes received for, in an account to be kept by him, and thereafter he must keep said District Collector's account, and must make settlement with him in relation to said district assessment roll, in the same manner he is required to charge the County Tax Collector and settle with him on account of State and county taxes, and upon receiving from said Collector the Treasurer's receipt for money paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

Funds, how
set apart.

SEC. 19. The County Treasurer must keep all moneys paid him under the provisions of this Act in a separate fund to be known as the "Pajaro School District Bond Redemption Fund," and the said moneys must be paid out by him to liquidate the interest accruing upon said bonds, upon presentation at the times herein specified of the coupons therefor, and for the redemption of bonds, upon presentation to him of the bonds ordered to be paid as hereinbefore provided by the Trustees of said district, and the said Treasurer must settle with the County Auditor for the moneys received and disbursed by him under this section, in the same manner as he is required to settle for county moneys received and disbursed by him.

Trustees to
fix compensation of
certain
officers.

SEC. 20. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall receive such salary or compensation as the Board of Trustees may by order determine, but which, together or in the aggregate, shall not in any one year exceed the sum of one hundred and fifty dollars, which shall be payable semi-annually, on the second Monday in January and the second Monday in July, out of any moneys in the "Pajaro School District Bond Redemption Fund"; and on the second Monday of January and the second Monday of July of each year, the Trustees of said Pajaro School District shall audit the salary then due the said Assessor and Tax Collector, and order the same paid, and upon the filing of such order with him the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other school warrants; and upon presentation of said warrant the County Treasurer shall pay the salary of said Assessor and Collector out of the moneys in the said "Pajaro School District Bond Redemption Fund."

SEC. 21. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed or receive any compensation for such service.

District
boundaries.

SEC. 22. From the time of the issuance of any bonds, as hereinbefore authorized, until their payment and redemption, the boundaries of said Pajaro School District, as now constituted, shall not be diminished.

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

CHAP. CLXXXI.—*An Act to reincorporate the City of Santa Cruz.*

[Approved March 11, 1876.]

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

SECTION 1. The corporation or body politic and corporate now existing and known as "The Inhabitants of the Town of Santa Cruz," shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the City of Santa Cruz; and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever; and may have and may use a common seal, and the same may alter at pleasure; and may purchase, receive, hold, and enjoy real estate and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of the City of Santa Cruz shall be as follows: Beginning on the Bay of Monterey, at a point on the easterly side of the mouth of the San Lorenzo River; thence up the easterly bank of said river to the middle line of Ocean Street; thence along the middle line of said street northerly to the middle of the Brancifort Creek; thence up the middle of said creek northerly to the southeasterly corner of the Rancho Carbonera; thence westerly along the boundary of the Rancho Carbonera and the Rancho Cañada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Bay of Monterey; and from thence due south into the said Bay of Monterey a distance of three marine miles; from thence easterly, and following the courses of the indentations of said bay, to a point due south and three marine miles from the mouth of the said Lorenzo River, the place of beginning; thence due north to the place of beginning.

Corporate name. Powers granted.

Corporate boundaries.

SEC. 2. The government of said city shall be vested in a Mayor; a Common Council, to consist of four members; a City Treasurer, who shall be City Collector; a City Assessor, who shall be City Clerk; a Commissioner of Streets; and a Chief of Police, and such policemen as the Mayor and Common Council may appoint. The Mayor and members of the Common Council shall receive no compensation for their services; neither shall they, or either of them, or any subordinate officer of the city government, be interested, directly or indirectly, during their term of office, in any contract pertaining to any of the departments of the city; and all contracts in violation of this provision shall be absolutely void.

City government, in whom vested.

SEC. 3. On the second Monday in April, A. D. one thousand eight hundred and seventy-six, and biennially thereafter on the second Monday of April, a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as hereinafter provided, viz: a Mayor and four Councilmen—one from

Charter election.

each ward, who shall be electors of the wards from which they are chosen, which Mayor and Common Councilmen shall hold their office for two years, and until their successors are duly elected and qualified. There shall be elected at the charter election, held on the second Monday in April, A. D. one thousand eight hundred and seventy-six, a City Assessor, who shall be City Clerk, and a City Treasurer, who shall be City Collector, who shall hold their office for two years, and until their successors are elected and qualified, who shall be elected biennially thereafter. The officers of the present town government shall continue in office, under this charter, with such powers and duties as are herein prescribed, until their successors are elected and qualified; and nothing herein contained shall be construed to release any person holding office in said town, from any personal liabilities which they may have incurred by any of their official acts.

Wards,
boundaries
of.

SEC. 4. The city shall be divided into four wards, bounded as follows: That portion of the city beginning at the mouth of the San Lorenzo River; thence following up the middle of said river to a point on the produced line of Laurel Street; thence along said line to the middle of Pacific Avenue; thence northerly along Pacific Avenue to the middle of Water Street; thence along the middle of Water Street easterly to the middle of the San Lorenzo River; thence along the middle of the said river northerly to the north boundary of the said corporation; thence easterly along said boundary to the northeast corner thereof; thence along the east boundary of said corporation southerly to the place of beginning, shall be and constitute the First Ward. That portion of the city beginning at the junction of Pacific Avenue with Locust Street; thence westerly along the middle of Locust Street to Mission Street; thence southerly along Mission Street to Mill Street; thence westerly along Mill Street to where it leaves the boundary of the Rancho Tres Ojos de Agua; thence to and along the southerly boundary of said rancho to the northwest corner thereof; thence along the southeasterly boundary of the lands of Davis and Cowell, northeasterly to the north boundary of the said corporation; thence along said corporation boundary easterly to the middle of the San Lorenzo River; thence down the middle of the San Lorenzo River to the middle of Water Street; thence along Water Street to Pacific Avenue; thence along Pacific Avenue to the place of beginning, shall be and constitute the Second Ward. That portion of the city beginning at the junction of Locust Street with Pacific Avenue; thence westerly along the middle of Locust Street to Mission Street; thence along the middle of Mission Street, southerly to Laurel Street; thence easterly along Laurel Street to Chestnut Street; thence southerly along Chestnut Street to Bay Street, thence south forty-five degrees east six chains; thence due south to the south boundary of said corporation; thence easterly along said boundary to the southeasterly corner of said corporation; thence northerly along said boundary to the mouth of the San Lorenzo River; thence due west to

the middle of said river at the corner of First Ward; thence up the middle of said river to a point on the produced line of Chestnut Street; thence along said line to Pacific Avenue; thence along Pacific Avenue to the place of beginning, shall be and constitute the Third Ward. That portion of the city beginning at the junction of Chestnut Street and Bay Street; thence along Chestnut Street to Laurel Street; thence along Laurel Street to Mission Street; thence along Mission Street to Mill Street; thence along Mill Street to where it leaves the boundary of the Rancho Tres Ojos de Agua; thence to and along the southerly boundary of the Rancho Tres Ojos de Agua to the northwest corner thereof; thence along the southeast boundary of the lands of Davis and Cowell, northeasterly to the north boundary line of said corporation; thence along the said north boundary westerly to the northwest corner thereof; thence along the west boundary of said corporation to the southwest corner thereof; thence along the south boundary of said corporation to the southwest corner of the Third Ward; thence northerly along the westerly boundary of said Third Ward to the place of beginning, shall be and constitute the Fourth Ward.

SEC. 5. It shall be the duty of the Mayor and Common Council to call all city elections, to designate the time and place of holding the same—giving at least ten days' notice thereof—and for each ward they shall appoint one Inspector and two Judges of Election, residents of their respective wards, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county elections, and all provisions of law regulating elections for State and county officers shall apply, as far as practicable, to elections under this charter. The polls for all elections shall be opened at nine o'clock A. M., and shall not be closed until sundown of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present; and all returns of city elections shall be made out and signed by the officers of such election, in the usual form, and deposited with the City Clerk, and the persons having the plurality of the votes cast for each of the respective officers voted for shall be declared duly elected; and no person who is not a qualified voter shall be eligible to any office under this charter, nor shall any person be entitled to vote at any city election, unless he be an elector for State and county officers, and shall actually have resided within the ward in which he claims his vote thirty days next preceding such election.

City elections, how called; manner of holding.

SEC. 6. The Mayor and Common Council shall meet within five days after any election, and canvass the returns and declare the result, and when two or more persons for any office have any equal and highest number of votes, the Common Council shall decide the election by a plurality vote of their own Board. Should any of the officers elected fail to qualify and give the bond required, within the period of ten

Canvass of returns.

days after their election, the office shall be vacant, and shall be filled as hereinafter provided.

Regular meetings of Common Council, how conducted.

SEC. 7. The Mayor and Common Council shall hold their regular meetings on the first Monday in each month. A majority of all the members elected shall be a quorum; and a less number may adjourn from time to time, and may compel the attendance of absent members. The Mayor shall preside at all meetings of the Common Council, but shall be entitled to no vote unless in case of a tie. In the absence of the Mayor at any regular, or adjourned, or called meeting of the Common Council, if three members are present, they may choose one of their own number to preside at such meeting, and all acts of their presiding officer shall have the same validity as if presided over or done by the Mayor. Every order made and ordinance passed by the Mayor and Common Council, in order to have legal force, must receive not less than three votes, and the approval of the Mayor; or if he fail or refuse to approve the same within ten days after its passage, to render such order or ordinance valid it must receive the votes of three of the Councilmen.

Vacancies in office, how filled.

SEC. 8. If at any time either or any of the officers created in this Act shall, from sickness, absence, or from any other cause, neglect or refuse to perform the duties of his office for a period of three consecutive months, his office shall be declared vacant by the Common Council. Any vacancy occurring in any of the offices created by this Act shall be filled by the Mayor and Common Council, by appointment or by special election called for that purpose, until the next regular election, when the vacancy shall be filled by the qualified electors of said city; but the person thus elected shall hold office only for the balance of such unexpired term.

General powers of Common Council.

SEC. 9. The Common Council may adopt rules for its proceedings, shall judge of the qualifications of its members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct; and for such conduct may expel a member by a three-fourths vote. It shall have power to remove for good and sufficient cause, and after notice to the party accused, by a three-fourths vote, with the Mayor's approval, any and all city officers, whether elected or appointed, and to fill any vacancies so caused; to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property of the city, except the sale and disposal of the public squares; to construct public buildings and other structures, by contract to the lowest bidder, in such manner as may, to the said Common Council, seem best; to license all and every kind of business authorized by law, and transacted or carried on in said city; to fix the rates of license tax upon such business; to purchase, hold, and maintain fire-engines and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department, and establish fire limits; to construct wells, and cisterns, and aqueducts to supply the city with water; to lay out, alter, open, vacate, improve, cleanse, water, and repair streets and sidewalks; to

General
powers of
Common
Council.

construct sewers and drains; to improve the rivers and streams flowing through the city, or in the vicinity thereof, in order to facilitate the drainage thereof, and to protect the city from overflow; to cause obstructions to be removed from the channels; to raise embankments, and to widen, straighten, and deepen said channels; to repair any property of the city; to create and establish a city police, to prescribe their duties and compensation, and to provide for the regulation and government of said police; to regulate for the protection of health, cleanliness, ornament, peace, and good order of the city; to define, prevent, and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners, for the employment of vagrants and prisoners upon the public streets or works of the city; to prohibit and suppress gambling-houses and houses of ill-fame, all indecent and immoral amusements and exhibitions; to regulate the location of slaughter-houses, markets, and houses for the storage of gunpowder and other combustible and explosive substances; to prohibit the establishment and maintenance of such slaughter-houses within the limits of the city; to impose and appropriate fines, penalties, and forfeitures for any and all violations of city ordinances; and for a breach or violation of any city ordinance may fix the penalty by fine or imprisonment; but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any offense; or may provide for sentence to labor on the streets or public property of the city, within the city; to pass such ordinances, resolutions, and by-laws for the regulation of the police and entire government of said city, as may not be inconsistent with the provisions of this charter, or with the Constitution and laws of the State or of the United States; and any violation of any lawful order, regulation, or ordinance of the Mayor and Common Council of the City of Santa Cruz, is hereby declared a misdemeanor; and all prosecutions for the same may be in the name of the people of the State of California.

SEC. 10. The Common Council shall not create, audit, or allow, or permit to accrue, any debt or liability above the actual revenue or available means in the treasury, that may be legally apportioned and appropriated for such purpose; nor shall any warrant be drawn, or evidences of indebtedness be issued, unless there shall be sufficient money in the treasury legally applicable to meet the same, except as hereinafter provided.

Limitation
of powers.

SEC. 11. Every claim and demand that shall arise against the City of Santa Cruz shall be filed with the City Clerk, and presented to the Common Council, and, if found correct, shall be allowed and ordered paid by a majority vote of the Councilmen elected; and, when so allowed, shall be presented to the Mayor for approval; and if he approve such allowance, he shall indorse his approval upon such claim or demand; and if he fail or refuse to approve such allowance within ten days, the said claim or demand, in order to render the same payable, must be allowed and

Claims
against the
city

ordered paid by the votes of three Councilmen. Upon the allowance of any claim or demand, as in this section provided, the Mayor shall draw his warrant (countersigned by the City Clerk) upon the City Treasurer, in favor of the owner or owners, specifying for what purpose, and by what authority it is issued, and out of what fund it shall be paid; and the Treasurer shall pay the same out of the proper fund; *provided, however*, that if said public moneys shall be in the hands of any special depository, as hereinafter provided, the order shall be drawn upon such depository as hereinafter required.

Council may
order special
tax.

SEC. 12. At each regular meeting of the Common Council they shall inquire into the condition of the streets, sewers, bridges, and fire department, and all other property of the city, and whenever the owners of a major part of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written application to the Mayor and Common Council for an expenditure of not exceeding ten thousand dollars for any purpose authorized by this Act, in excess of the revenue of the city for such purpose, in the then fiscal year, the Mayor and Common Council shall have the power, after having caused such application to be spread upon their minutes, to incur such expenditure, although in excess of the revenue of the city for the then current fiscal year, and shall provide for the payment of the same, as directed in said application, by the levy of a special tax for the same or the succeeding fiscal year; *provided*, that the special tax thus to be levied shall, for no one year, be more than one-half of one per cent. upon the valuation of the real and personal property, as shown by the last assessment roll. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of said city.

City taxes,
how levied
and col-
lected.

SEC. 13. The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collecting of all city taxes, and in so doing shall be governed by the State laws in reference to the levying and collecting of State and county taxes as far as applicable, and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and county purposes, and every tax levied by said Common Council, under the provisions of this Act, or of any former Act, which was in force and effect, and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes.

Taxes, for
what purpose
employed.

SEC. 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 preceding year, and shall be for the following purposes and

none other: For the support of the fire department of the city, a tax not exceeding ten cents on each one hundred dollars; for the purpose of sewerage and drainage of said city, a tax not exceeding ten cents on each one hundred dollars; and for the General Fund, a tax not exceeding thirty cents on each one hundred dollars. All licenses, 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. 15. The Common Council shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meetings may be held from time to time, as in said notice specified, for the period of two weeks, and no more.

Board of Equalization.

SEC. 16. The Common Council are hereby authorized and empowered to order the whole, or any portion of any street or streets, lane or lanes, sidewalks, alleys, courts or squares, graded or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired; and to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience require.

Common Council to order street repairs.

SEC. 17. If at any time the owners of three-fifths or more of the real estate fronting on any street, counting from one cross-street to any other cross-street, within the corporate limits of the City of Santa Cruz, shall petition the Mayor and Common Council of said city for the sewerage, grading, graveling, macadamizing, paving, planking, curbing, or repairing of such street, or the sidewalks along the same, or both, or if no such petition shall be presented, and the Mayor and Common Council shall deem it to be for the best interests of the city that such improvement be made, they shall cause notice to be given by publication, for at least ten days in some newspaper published in said city, of the street thus to be improved, and also the character and extent of such improvement; and, unless, within ten days from the completion of said publication, written objections to said improvement, signed by the owners of four-fifths of the property fronting on said proposed improvements, shall be filed with the City Clerk, they shall cause an immediate survey of any such proposed work or improvements to be made by the City Surveyor or some other competent surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade and the amount of excavation or filling in front of each person's real estate to the middle of the street; all lots on the corners of blocks to include the sidewalks of the cross-streets, or if the improvements only extend to the

Same. Petitions.

sidewalks, then he shall indicate, as aforesaid, the amount of excavation or filling of the sidewalks in front of each person's real estate, and he shall present the same, together with the plans and specifications for the proposed work or improvements, to the Mayor and Common Council for approval.

Proposals for street work and improvements.

SEC. 18. If the Mayor and Common Council approve the survey, diagram, and specifications of the surveyor, provided for in the preceding section, the same shall be placed on file in the office of the Commissioner of Streets; and the Mayor and Common Council shall order said improvements to be made as petitioned for, or resolved upon, designating in said order at what time said improvements shall be completed, and providing therein that the Commissioner of Streets shall immediately let out to the lowest responsible bidder or bidders, after giving such notice as the Mayor and Common Council may direct, by contract in writing, the doing of all the said work or improvements so ordered. Said contract shall provide that said work and improvements shall be made in accordance with the diagram, survey, and specifications in reference thereto, and that the same shall be completed within the time fixed by the Mayor and Common Council for the completion of said work and improvements, and shall particularly state the amount to be paid for such improvements; and all such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the Mayor and Common Council, with two or more sureties, in such sum as the Mayor and Common Council may deem adequate, conditioned for the faithful performance of the contract, and made payable to the City of Santa Cruz; and the said sureties shall justify before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions (and any person suffering damages, by reason of the breach of said contract, may sue on such bond in his own name); *provided*, that not less than the whole of said work or improvements required to be done on any street, from one cross-street to another cross-street, shall be let to any one contractor, or in any single contract; *and provided further*, that no contract for the doing of any of said work or improvements shall take effect until approved by the Mayor and Common Council of said city; and the Mayor and Common Council shall have the power to reject any and all contracts so made as aforesaid by the Street Commissioner, as in their discretion the public good may require, and to direct the Commissioner of Streets to readvertise for proposals to do said work or improvements.

Contractors to give bonds.

Costs of improvements, how assessed.

SEC. 19. Upon the approval of the contract or contracts for the doing of said work and improvements, as provided for in the preceding section, it is hereby made the duty of the City Assessor of said city, within ten days thereafter, to make an assessment of the costs of making such improvements, as apportioned to each of the owners of the real estate fronting on the portion of said street so ordered to be improved, in the same ratio or proportion which the frontage

of the real estate of each of said owners bears to the total cost of the said improvements so petitioned for and let as aforesaid; *providing*, that the expenses of work done on main street crossings shall be assessed upon the four quarter blocks adjoining and cornering on the crossings. When a street terminates at right angles in another main street, the expense of the work done on one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of the said street upon the lots fronting on the latter half of the street opposite such termination; and if the owners of any of the real estate fronting on said portion of said street are unknown to the said City Assessor, he shall assess the proportionate cost of said improvements to "unknown owners," and he shall present the said assessment to the Mayor and Common Council for approval; and when said assessment shall have been approved by the Mayor and Common Council, the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, and the said Collector shall proceed to collect the same, in such manner, and within such time, as the Mayor and Common Council shall by ordinance direct. At the expiration of the time fixed by the Mayor and Common Council for the collection of said assessment by the City Collector, he shall return the same to the City Clerk, and the said Clerk shall, within ten days, make out and deliver to the City Attorney (or such other attorney as the Mayor and Common Council may designate) a certified list of the persons and property, and the amounts remaining delinquent upon such assessments; and the said attorney shall immediately commence suit or suits for the collections of the same; and the proceedings for the collection of said assessment so delinquent shall be by suit *in rem* against the property chargeable with such assessment; and the said assessment shall be a lien upon and against the property assessed, which shall attach at the time said improvements are ordered to be made, and shall not be satisfied or removed until the said taxes or assessments are all paid, or the property has absolutely vested in a purchaser, under a sale for taxes or assessments; and said taxes or assessments shall be collected in the same kind of currency as prescribed in reference to State and county taxes. The delinquent list provided for in this section, certified by the City Clerk, showing unpaid taxes or assessments against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes or assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes or assessments have been complied with. Any judgment rendered in such action shall include, in addition to the costs of said suit, ten per cent. upon the assessment.

Delinquent
assessments.

SEC. 20. The cost of the survey, specifications, maps or diagrams of any of the works or improvements hereinbefore Costs, how paid.

mentioned, together with all culverts, shall be paid by the city.

Necessary repairs, owners to be notified.

SEC. 21. When any street or portions of any street, which has not been accepted by the city, or the sidewalks or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Mayor and Common Council, the Commissioner of Streets shall, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants, or tenants of any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Commissioner of Streets may enter into a contract with any competent person to make the required improvements or repairs, at the expense of the owner of the real estate, at such price as he may deem reasonable and just; and such owners shall be liable to pay the same; and the sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which, to the middle of the street, said work or improvements shall have been made, and may be collected and enforced in the same manner as provided in section nineteen of this Act.

Owners liable for expenses of repairs.

Acceptance of work.

SEC. 22. Whenever any street shall be improved under contract, in accordance with the provisions of the charter, it shall be the duty of the Commissioner of Streets, the City Engineer, and the Chairman of the Street Committee to examine said work while in progress, and carefully inspect the same when completed; and upon the completion of said work, the Commissioner and said Engineer, and said Chairman of the Street Committee, shall file, in writing, with the City Clerk, their acceptance or rejection of said work; and if accepted, the Mayor and Common Council shall, at the next regular meeting after said acceptance, draw a warrant upon the General Fund in favor of the contractor for the amount due upon such contract; but no warrant shall be drawn or liability created until such written acceptance is duly filed.

Same.

SEC. 23. When any street, or portion of a street, not less in extent than from one cross-street to the next cross-street, is now or shall be hereafter constructed, repaired, and fully improved to the satisfaction of the Mayor and Common Council of the City of Santa Cruz, under such regulations as they may adopt, the Mayor and Common Council may, by ordinance, accept the same, and thereafter the roadway of said portion of such street so accepted shall be kept open and in repair by said city, and the expense thereof shall be paid from the General Fund; *provided*, that nothing in this section shall be so construed as to relieve the owners of the property fronting on the portion of the street so accepted from keeping in good order and repair the sidewalks, curbs, and gutters along the same. The City Clerk shall keep in

his office a register of all streets, or portions thereof, accepted under this section, the same to be indexed so that reference may be easily had thereto.

SEC. 24. If at any time the owners of three-fifths or more of the real estate fronting on any street, counting from one cross-street to any other cross-street within the corporate limits of the City of Santa Cruz, shall petition the Mayor and Common Council of said city for the sprinkling and watering of such street between the points designated, the Mayor and Common Council may by ordinance direct said street to be so sprinkled and watered, and the Commissioner of Streets shall thereupon advertise for proposals to perform said work in such manner as in said ordinance provided, and let a contract, subject to the approval of the Mayor and Common Council, to the lowest responsible bidder, to water and sprinkle such street, between the points designated, at such times and to such extent as in said ordinance provided; and said Commissioner of Streets shall assess upon the property fronting on the streets, or portions of streets, the cost of such watering and sprinkling, as provided in the contract, and said Commissioner of Streets, or his deputy, shall each week collect from such property holders such sums thus assessed; and in the event of the refusal or neglect of such property holders to pay said sums when so demanded, said Commissioner of Streets shall commence an action in the name of the City of Santa Cruz, in any Court of competent jurisdiction, and shall, in addition to such assessment sued for and the costs of suit, recover ten dollars counsel fees in each case, and from the sums thus collected and recovered shall pay to the party watering said streets the compensation prescribed in said contract.

Street sprinkling, contract for.

SEC. 25. The Mayor and Common Council, when in their opinion the public good so requires, shall appoint a City Attorney, and also a City Surveyor and Engineer; each of whom may be removed at the pleasure of the Mayor and Common Council. The duties and compensation of each of said officers shall be prescribed by the Mayor and Common Council.

Officers to be appointed.

SEC. 26. The Mayor and Common Council of the City of Santa Cruz shall, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street in said city (which petition shall have been signed by the owners of two-thirds of the frontage on said street therein proposed to be opened, widened, or extended), direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, and return the same to the Common Council, at its next regular meeting, or within such time as the Common Council shall, by ordinance or resolution direct; and for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands; but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

Opening and widening streets.

SEC. 27. If the Mayor and the Common Council approve the survey provided for in the preceding section, the City

Notice to property owners.

Clerk shall give notice, by publication in some newspaper published in the City of Santa Cruz, for the period of ten days, directed generally to all persons interested, setting forth that the survey of such proposed street or streets, and such order, approving such survey, have been made; and that unless the owners of all lands included within the lines of said street, as proposed to be opened, widened, or extended, shall, within thirty days after the first publication of the said notice, make, execute, and deliver to the City of Santa Cruz, a deed or deeds of donation of such lands, proceedings will be instituted for the condemnation of the same.

Proceedings
to condemn
land

SEC. 28. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the line of street so proposed to be opened, widened, or extended, shall have neglected or refused to make, execute, and deliver deeds of donation therefor, proceedings shall be instituted in the name of the City of Santa Cruz against such person or persons, under the provisions of Part III., Title VII., of the Code of Civil Procedure, for the purpose of condemning such lands to the use of the city as a public street; *provided*, that the benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Right of
way, how
procured.

SEC. 29. In order to provide for the necessary and proper drainage and sewerage of the City of Santa Cruz, the Mayor and Common Council of said city are hereby authorized to procure the right of way, by purchase or condemnation, for such main and lateral sewers or drains as they may deem proper for the sewerage and drainage of said city. Such rights of way may be thus secured through lands within the corporate limits, and also, when required, through lands adjacent to and without said city.

Improvement
of
rivers and
streams

SEC. 30. The Mayor and Common Council of the City of Santa Cruz shall, upon presentation of a petition signed by the owners of two-thirds part of the frontage on any river or stream flowing through said city, asking for the widening, straightening, or deepening of said stream, or whenever the said Mayor and Common Council shall deem the widening, straightening, or deepening of said stream a public necessity, direct, by ordinance, a survey of said stream within such time as shall be directed by said ordinance (or at their option may use any survey or surveys, map or maps, report or reports already made), and said survey shall be accompanied with a report and diagram map, showing the location of said stream and the proposed alterations thereof; and whenever, in the opinion of said Common Council, the public exigency requires, such improvement may be made upon such streams at any place without the corporate limits of the city.

Same, con-
demnation
of lands.

SEC. 31. If the Mayor and Common Council approve the survey provided for in the preceding section, it is hereby made the duty of the City Clerk to cause notice to be published for the period of ten days, in some newspaper published in said city, a notice directed generally to all persons interested, setting forth that said survey, and the order

approving the same, have been made, and that unless the owners of all lands included within the lines of said survey shall, within thirty days after the first publication of said notice, make, execute, and deliver a deed or deeds of donation to the City of Santa Cruz of the lands included in such survey, and required for such work or improvement, proceedings will be instituted for the condemnation of the same.

SEC. 32. If, at the expiration of said thirty days, any one or more of the owners or claimants of any lands within the lines of the said survey shall have neglected or refused to make, execute, and deliver deeds of donation thereof, proceedings shall be instituted in the name of the City of Santa Cruz against such person or persons, under the provisions of Part Three, Title Seven, of the Code of Civil Procedure, for the purpose of condemning such lands as a public necessity; *provided*, that the benefits resulting to the land remaining may be offset against the value of the land actually taken, as also against any damages resulting to such adjacent land from such improvement.

Benefits and
damage to
lands con-
demned.

SEC. 33. It shall be the duty of the Mayor and Common Council to levy and cause to be collected, each year, at the time and in the manner other city taxes are levied and collected, a special tax, not exceeding ten cents on each one hundred dollars, upon all the real and personal property within said city, subject to taxation; the sum thus created to be know as the River Improvement Fund, to be applied to the improvement of such streams and to no other purpose.

River Im-
provement
Fund.

SEC. 34. The executive power of the corporation shall be vested in the Mayor. It shall be the duty of the Mayor to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to be at the head of the police; to exercise a constant supervision and control over the conduct of all subordinate officers; and receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Common Council; and may suspend the function of such officer until the charges preferred against him can be inquired into by the Common Council; to sign all licenses and warrants on the treasury; to administer oaths or affirmations upon any and all matters and business pertaining to said city, and generally perform all such duties as may be prescribed for him by law or by the city ordinances; to communicate to the Common Council semi-annually, and oftener, if he thinks proper, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

Powers
vested in
Mayor

SEC. 35. When there shall be a vacancy in the office of Mayor, or when the Mayor shall be absent from the city, or from other causes may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number, who, as President *pro tem.* of the Common Council, shall be ex officio Mayor of said city during such vacation, and shall, in all respects, be legally qualified to discharge the duties of such position.

Duties of
Mayor :
vacancy in
office.

Chief of Police, powers and duty of.

SEC. 36. The department of police of said city shall be under the direction of the Chief of Police, and for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful execution of their functions, he shall have the powers that are now, or may hereafter be conferred on Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by deputies, police officers, watchmen, and constables in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders or maintenance of public order. He shall, and he is hereby authorized to execute and return all processes issued and directed to him by any legal authority; to enforce all ordinances passed by the Common Council, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violations of city ordinances; he shall also have charge of the City Prison and prisoners confined therein, and all those who are sentenced to labor upon the streets or public works of the city; and shall see that all orders and sentences in reference to such are fully executed and fully complied with.

Commissioner of Streets, duties of.

SEC. 37. It shall be the duty of the Commissioner of Streets to make regular and frequent inspection of all the traveled streets within the City of Santa Cruz. Under the direction of the Mayor and Common Council he shall remove obstructions therefrom, repair bridges and culverts, and make such other needful repairs as such streets may from time to time require. He shall also supervise and inspect all work that may be directed by the Common Council in opening, grading, graveling, and improving the public streets within said city; give, or cause to be given, all necessary notices to property holders or others as to any contemplated opening or improvement of streets. He shall also have general supervision and charge of all public squares and parks within said city; he shall see that all dead animals and offensive substances are promptly removed from such streets or squares; that the sewers and gutters are in proper order and condition; he shall direct, with the assistance of the City Surveyor, the extent and manner in which streets may be excavated for the laying of gas, water, and other pipes; and shall direct the way in which such excavation shall be made, or the earth replaced therein; and he shall generally do and perform all acts and duties, with reference to the public streets and squares of the city, that may be directed by ordinance or resolution of the Mayor and Common Council.

Chief of Police and Street Commissioner, appointment and salaries of.

SEC. 38. The Chief of Police and the Street Commissioner shall be appointed by the Mayor and Common Council, and shall hold their office at the pleasure of the Mayor and Common Council, and shall receive such compensation for their services, each, as may be allowed by the Mayor and Common Council, but which shall not be increased during the term for which they may have been appointed. Such compensation shall be paid monthly by warrant on the General Fund. Neither the Chief of Police nor the Commissioner of Streets shall receive any perquisites or compensation for any serv-

ices performed, other than the salary as fixed. The Chief of Police and policemen of said city shall charge, collect, and be entitled to receive, in the discharge of their official duties, the same costs or fees which are by law allowed to Sheriffs or Constables for like services; and such costs or fees so received by any of them shall, by the party receiving the same, within twenty-four hours after the receipt thereof, be paid into the city treasury, and shall, by the Treasurer of the city, be placed to the credit of the General Fund of said city.

SEC. 39. It shall be the duty of the Chief of Police and policemen of said city to execute all processes issued by any Justice of the Peace within said city, officiating as Police Judge or otherwise, or from other legal authority commanding his services as such officer; and the Chief of Police shall attend upon the Court officiating as a Police Court, and shall be in attendance at all meetings of the Common Council; and shall do and perform such other duties as may be required of him by the Mayor and Common Council. He may, also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, men of sobriety and good moral standing in the community, who shall discharge the duties assigned to them for one day only; and each of whom shall be entitled to receive pay from the city, not exceeding the compensation of a regular policeman.

SEC. 40. The City Assessor and Clerk, before entering upon the duties of his office, shall give a bond in the sum of two thousand dollars, or such greater sum as the Mayor and Common Council may, by ordinance, direct, conditioned for the faithful discharge of the duties of his office. It shall be his duty, as City Clerk, to keep a true and correct record of all the business transacted by the Common Council. He shall sign, as City Clerk, and issue to the Collector, license certificates for all branches of business for which a license may be required, and take his receipt therefor. He shall keep a true list of all such certificates issued by him and the amount of money received by the Collector therefor. He shall countersign all warrants issued by order of the Mayor and Common Council and signed by the Mayor. He shall notify, in writing, all persons who may be by the Common Council, sitting as a Board of Canvassers, declared to be officers elect. The City Clerk must keep separately, in large, well bound, uniform, and suitable books, an ordinance record, in which shall be entered, in a good, round, legible hand, all the ordinances passed by the Common Council, and approved by the Mayor of the City of Santa Cruz; and said record shall be signed by the Mayor, and countersigned by the City Clerk of said city; a file book, which shall be an alphabetical index, wherein there shall be entered, in chronological order, all bills, communications, and all other original documents filed with said Clerk for presentation to the Mayor and Common Council of said city, and all action had thereon; an improvement assessment record, in which shall be copied all improvement assessment rolls, and such record certified by the said City Clerk; a street and river

Duties of police.

Special police.

City Assessor and Clerk, bond of. General duties.

City Assessor
and Clerk,
bond of.
General
duties

improvement and sewerage register, in which shall be entered, under the proper heads, a memorandum of each and every action had, referring to the book and page of record, in all matters of street and river improvement and sewerage. It shall be his duty as City Assessor, in each year, between the first day of May and the first day of August, to make out a true list of all the taxable property within the limits of said city, which list, when so made out and certified by him, shall be placed in the hands of the Common Council for equalization. The mode of making out such list and ascertaining the value of property shall be the same as prescribed by law for assessing State and county taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the City Collector a tax list in the usual form, as soon as practicable after the Common Council, as a Board of Equalization, have equalized the assessment; and shall do and perform all such other duties as may be required of him by the Common Council. It shall be the duty of the City Clerk to report to the Common Council, quarterly, a full and detailed statement of the receipts and disbursements of the city government, and the state of each particular fund. Such quarterly report, duly verified by his oath, shall be published once, in such newspaper published in the City of Santa Cruz as the Mayor and Common Council shall direct, and with such publication, and in connection therewith, there shall be republished his report, made for the next preceding quarter. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue, and the amount received from each, the several appropriations made by the Common Council and the objects for which they were made, and the amount of money expended under each, evidences of indebtedness issued, and what portion thereof remains outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand. He shall have the power to administer oaths and affirmations. He may, with the concurrence of the Mayor and Common Council, appoint one or more deputies; one of which deputies, during the period of assessment as laid down in this charter, may be appointed for two months at such salary as the Common Council may allow, not exceeding one hundred dollars per month, which shall be paid out of the General Fund.

Salary and
fees of
Assessor and
Clerk.

SEC. 41. For his services as such Assessor and City Clerk he shall receive a salary of five hundred (\$500) dollars per annum, payable monthly, as follows: For the months of May, June, and July, he shall receive a salary of one hundred dollars per month; for the month of August he shall receive a salary of forty dollars, and for the remaining months of the year a salary of twenty dollars per month, payable monthly. He shall also be entitled to collect and receive, for drawing and making out any deed for real estate sold by the city, the sum of three dollars, and for any transcript of the records, or copies of papers in his office, such fees per folio, and for certificates, as are by law allowed to the County

Recorder of Santa Cruz County for like services; *provided*, no charges shall be made for any copies, transcriptions, or certificates required or demanded by said city.

SEC. 42. It shall be the duty of the City Treasurer and Collector to collect all license taxes that shall at any time be due the city, and to receipt for the same; to receive the tax list, and upon the receipt thereof to proceed to collect the same, at the time and in the same manner as prescribed by the law for the collection of State and county taxes, the said Collector and Treasurer being hereby vested with all and the same powers to make collection for taxes as is or shall hereafter be conferred upon Collectors for the collection of State and county taxes; and it shall be his duty to collect in the same manner, and with the same authority, any tax list or assessment placed in his hands, without any unnecessary delay, and to place all taxes, license, and other moneys collected by him, belonging to the city, in the city treasury, and on the first Monday of each and every month, or as often as the Mayor and Common Council may by ordinance direct, file with the City Clerk his affidavit stating the amount of money collected by him belonging to the city, for the preceding month, or for such other period of time as may have been prescribed, and the sources from which the same have been received; and said affidavit shall be subscribed and sworn to. It shall be the duty of said City Collector and Treasurer to receive and safely keep all moneys that shall come into his hands belonging to the City of Santa Cruz; for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk, and shall countersign all warrants issued by order of the Mayor and Common Council and signed by the Mayor, and countersigned by the City Clerk. He shall perform such other duties as may be by ordinance required of him by said Mayor and Common Council; and for his compensation as such Treasurer and Collector he shall receive as salary such commission as may be allowed by the Common Council; but said commission shall not exceed four (4) per cent. on the moneys collected and disbursed by him; and said commission shall be payable monthly; *provided*, that this clause shall not affect the Treasurer elected under former charter. The City Collector and Treasurer shall make quarterly settlements with the City Clerk, and shall file with said Clerk a statement under oath of the same, and in said statement he shall set forth the entire amount of moneys by him received during the preceding quarter, and also the gross amount of all warrants drawn during said quarter against said public fund.

Duties of
Treasurer
and
Collector.

Salary.

SEC. 43. All city officers, whether elected by the people or appointed by the Mayor and Common Council, shall, before entering on the duties of their office, take and subscribe the oath of office prescribed by law. All of such officers, other than the Mayor and members of the Common Council, shall each, before entering upon the duties of his office, give a bond, with sureties to be approved by the Mayor and Common Council, payable to the City of Santa Cruz, in such sum as may be fixed by ordinance, conditioned for the faithful per-

Oaths of city
officers.

Official
bonds.

formance of the duties of his office as required by law, and the ordinances and regulations passed and approved by the Mayor and Common Council of the City of Santa Cruz. Should the bond of any officer become insufficient, he shall give such additional security as the Mayor and Common Council may require, and upon his failure to do so at the time required, or within five days thereafter, his office shall be declared vacant, and may be filled as herein provided. The official bond of every officer named in this Act, except the bond of the City Assessor and Clerk, shall be filed in the office of the City Clerk. The official bond of the City Assessor and Clerk shall be filed with the Mayor of Santa Cruz.

Justices of
the Peace.

SEC. 44. Justices of the Peace in the City of Santa Cruz are hereby declared competent to discharge all the duties of Police Justice for the City of Santa Cruz, and for all services and proceedings before a Justice of the Peace, in a criminal proceeding or action arising under the provisions of this Act, or of any ordinance which may now or hereafter be in force in said city, he shall have and be entitled to receive from the City of Santa Cruz the sum of one dollar and fifty cents, payable out of the General Fund; and all fines imposed by such Justices, for any breach of peace within the corporate limits of the City of Santa Cruz, or for any violation of the city ordinances, shall be paid into the city treasury, and placed to the credit of the General Fund; *and it is hereby expressly provided*, that no demand shall be allowed or warrant drawn in favor of any Justice of the Peace who shall fail to pay into the city treasury the fines collected in criminal cases, where the crime shall have been committed within the corporate limits of the City of Santa Cruz, when such crime by law is punishable by fine, and which fine, if paid, would have, under the provisions of this Act, been justly due and applicable to the General Fund of the city.

Fees.

Mayor:
when to hold
Criminal
Court.

SEC. 45. If at any time the Justices of the Peace in the City of Santa Cruz refuse or fail to perform the duties of Police Justice, as by this Act required, it shall be competent, and is hereby made the duty of the Mayor to hold such Court, with all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crime may have been committed within the corporate limits of said city, and for all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases as by law and the provisions of this Act shall be paid to such Justices.

Poll-taxes
for Street
Fund.

SEC. 46. The Mayor and Common Council shall have power to levy a poll-tax of not exceeding three dollars upon all male residents within said corporation, between the ages of twenty-one and sixty years, which poll-tax shall be collected as are collected the State and county poll-tax, and the laws for the enforcement of State and county poll-tax are hereby made applicable for the collection of the said city poll-tax; and the said city poll-tax, when collected, shall be and constitute a Street Fund for the City of Santa Cruz.

SEC. 47. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 48. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXII.—[See volume of *Amendments to the Codes.*]

CHAP. CLXXXIII.—*An Act requiring the Common Council of the City of Oakland and the Trustees of the Town of Alameda, to pay the claim of N. W. Spaulding for painting the Webster Street Bridge, with interest thereon.*

[Approved March 11, 1876.]

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

SECTION 1. The Common Council of the City of Oakland, Alameda County, and the Trustees of the Town of Alameda, Alameda County, shall allow and cause to be paid to N. W. Spaulding, from the General Fund of each corporation, the sum of one hundred and fifty-two and sixty-five one hundredth dollars (\$152 $\frac{65}{100}$), in gold coin, with interest thereon at the rate of ten per cent. per annum from November first, eighteen hundred and seventy-two, until paid. The same being the amount expended and paid out for the painting of Webster Street draw-bridge, between the Town of Alameda and the City of Oakland.

Common Council to pay claim.

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

CHAP. CLXXXIV.—*An Act concerning partition fences in the Counties of Colusa and Tehama.*

[Approved March 11, 1876.]

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

SECTION 1. Where the exterior boundaries of the lands of two or more persons are inclosed by a fence, and where the lands of one or more persons so inclosed are adjoining, and the owner or owners thereof use such land at any time for the pasturage of any description of live stock, and it becomes necessary for the protection of the rights and interests of one party that a partition fence should be made between them, such persons shall, at the instance of either

Partition fence, when to be erected.

party, as hereinafter provided, erect or cause to be erected a partition fence on the line between them.

Party desiring, to give written notice.

SEC. 2. When it becomes necessary, as aforesaid in section one of this Act, to erect a partition fence, the party or parties so desiring the erection of such fence shall notify, in writing, the other party or parties so adjoining, to erect or cause to be erected one-half of such fence, within six months from the date of service of said notice; and in case such party or parties shall fail, neglect, or refuse to build or erect, or cause to be built or erected one-half of such partition fence within six months as aforesaid, then the party or parties who gave or caused the notice to be given may proceed to erect and build the whole of such partition fence, and after the same shall have been so erected and built, the land so partitioned off shall become liable for one-half of the value of such fence, and such claim shall be a lien upon such land, and draw interest at the rate of fifteen per cent. per annum until paid. Notice of such lien shall be filed in the office of the County Recorder of the county as provided by law for the filing of notices of mechanics' liens. The value of one-half of such fence at the time of its construction, with the interest thereon, shall be the amount to which the builder or builders of the fence shall be entitled.

Neglect or refusal to build.

Lien may be filed.

Partition fences, manner of constructing

SEC. 3. Except when otherwise agreed, partition fences dividing lands shall be strong, substantial, well suited to the protection of inclosures and the keeping of stock, and shall be maintained throughout the year, each party keeping in repair the portion constructed by, adjudged to, or paid for by him. If either party fails to do so, the other may give him three days' notice that he will call upon three disinterested householders, at a specified hour upon the day fixed, to examine such fence, and if they deem it insufficient, to assess the amount necessary to make it sufficient.

Cause of action, when may be maintained.

SEC. 4. If, within fifteen days thereafter, the party to whom such notice has been given shall fail, neglect, or refuse to repair such fence, the complainant may do so, and in that case he shall have cause of action against the party for the amount so assessed, with twenty-five per cent. damages thereon added.

Assessment, impeachment of.

SEC. 5. Upon a trial for damages, the defendant may impeach the assessment, and in that case, the Court or jury, as the case may be, shall determine the amount of damages.

Lands exempted.

SEC. 6. The provisions of this Act shall not apply to, or in any manner interfere with lands used for agriculture, when such lands are not inclosed by a fence.

SEC. 7. The provisions of this Act shall apply only to the Counties of Colusa and Tehama.

CHAP. CLXXXV.—*An Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court, in and for Yolo County, in the State of California, on May sixth, A. D. one thousand eight hundred and seventy-five.*

[Approved March 11, 1876.]

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

SECTION 1. The Board of Supervisors of Lake County, in this State, are hereby authorized and directed to cause to be prepared the bonds of said county for the sum, in the aggregate, of twenty-one thousand four hundred dollars. Said bonds to be payable on or before the expiration of twenty years from their date, as provided in section five of this Act, and to bear interest at the rate of seven (7) per cent. per annum, and to be known and designated as "The Lake County Judgment Debt Bonds." And each of said bonds shall contain a clause reserving [to] the county the right to pay said bonds as provided in this Act, and that interest thereon shall cease after the expiration of the publication of the notice that said county is prepared to pay said bond.

Supervisors to issue bonds.

SEC. 2. Said bonds, when so prepared, shall have attached unto them coupons for interest, which said interest shall be paid annually, and upon the payment of any of said bonds, or the interest thereon, as hereinafter provided, it shall be the duty of the County Treasurer of said County of Lake to take possession of said bond or coupon, and to make the same with the "Canceled," and the date of such cancellation, and to preserve the said canceled bond or coupon in his office; nor shall he pay any such bond or coupon until it shall be surrendered for payment and cancellation.

Interest coupons.

SEC. 3. Said bonds shall be of the denomination of one thousand dollars each, or such fraction of one thousand dollars as may be necessary to make the full sum.

Denomination of bonds.

SEC. 4. When said bonds are prepared, it shall be the duty of the President of the Board of Supervisors of said county, and the District Attorney thereof, to tender the same to the President, Secretary, or Managing Agent of the "Clear Lake Water-works Company," and to demand and receive from said company a complete and full satisfaction of record of the judgment obtained by said company against said county, in the District Court of the Sixth Judicial District, in and for Yolo County, on the sixth day of May, A. D. one thousand eight hundred and seventy-five, nor shall they deliver said bonds, or any of them, until said judgment is duly satisfied of record by said company.

Bonds to be offered in payment of judgment.

SEC. 5. The Board of Supervisors of said Lake County shall annually, hereafter, at the time they levy taxes for State and county purposes, levy an additional tax upon all the property in said county, to be collected at the same time and in the same manner as other State and county taxes are

Interest and redemption fund, special tax for.

collected, sufficient to pay the annual interest on said bonds, and to provide a fund for the final redemption thereof. Whenever there shall be in the county treasury a sum as great as one thousand dollars, applicable to the redemption of said bonds, it shall be the duty of the Treasurer of said county to give public notice of such fact by publication in a newspaper published in said county, for at least three consecutive weeks, specifying by number of the bond or bonds which he is prepared to redeem, and at the expiration of such notice, if such bond or bonds are not presented for payment by the holders thereof, interest thereon shall forthwith cease.

SEC. 6. Said bonds shall be numbered from one to twenty-two, consecutively, and shall be paid in the order of their numbers. They shall each, and each coupon thereto attached, shall be signed by the President of the Board of Supervisors of said county, and be countersigned by the Auditor thereof.

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

CHAP. CLXXXVI.—[See volume of *Amendments to the Codes*.]

CHAP. CLXXXVII.—*An Act to protect agriculture and to prevent the trespassing of animals upon private property in Marysville and Long Bar Townships, Yuba County.*

[Approved March 11, 1876.]

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

SECTION 1. Any owner or occupant of any land, finding any horse, mare, mule, jack, jenny, sheep, goats, hog, or horned cattle, or any number of such animals, doing or having done damage on any such land or claim, whether said land be inclosed by a lawful fence or not so inclosed, may take up and, at the expense of the owner, safely keep such animal or animals for ten days, and shall be allowed for keeping the same the following-named sums: For each horse, mare, mule, jack, jenny, or horned cattle, the sum of twenty-five cents per day; and for each hog, sheep, or goat, the sum of ten cents per day; *provided*, that no charge to exceed ten dollars per day shall be demanded for any number of sheep or goats.

SEC. 2. When the owners of animals are known and reside in or near the township, they shall be personally notified, or a written notice directed to them and left at their usual place of residence; but if at a great distance from the place of taking up, the notice of such detention and the reason therefor shall be served by depositing the

Animals
trespassing
may be
taken up.

Taker-up to
give notice.

same, postage paid, in the nearest post-office, directed to the owner at a post-office near his or their residence. When the owner is not known to the person taking up the animals, written notices, containing a description of the animals, their marks and brands, as near as can reasonably be ascertained, and stating the cause of detention, shall be posted for ten days conspicuously in three public places in the township.

SEC. 3. At the expiration of ten days, if the animals have not been applied for, or if they have and the parties do not agree on the amount of damages and compensation, the taker-up, when the damage and compensation claimed shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace in the township where the trespass was committed, or the township where the owner of the animals resides, setting forth the nature and location of the alleged damages, the amount he claims against said animals; and if there be no Justice of the Peace in the said township, then he shall file said complaint with a Justice of the Peace in the nearest township.

SEC. 4. When the owner is known, the action shall be against such owner, and the summons shall be served and returned as in other civil actions. When the owner is not known, the action shall be against the property *in rem*, and the summons shall be directed to unknown owners of said animals, describing them therein, and any action thus commenced may include all animals found doing damage, whether of one or more marks and brands, and shall be served by posting a copy of the same in three public places in the township—one of which shall be on the outside of the door of the Justice's office, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial; and no judgment shall be entered up under the provisions of this Act by default, but the damages done shall be proved by the testimony of one or more credible witnesses. If judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution; if the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner of the animals sold, but if not demanded within twelve months from the date of sale, it shall at the expiration of twelve months be paid into the county treasury for the use of the Common School Fund of said township.

SEC. 5. Any owner of animals seized under the provisions of this Act may, at any time previous to the sale, demand and shall be entitled to the possession of such animals, or so many as he may claim, upon making satisfactory proof of ownership before the Justice of the Peace, and paying his proportion of the damages, charges, and fees; and after the

sale may at any time, within three months, redeem said animal or animals by making proof of ownership and paying the purchaser the amount of purchase money, with ten per cent. added thereto, and expense of keeping at the rate of three dollars per month a head.

Record of sales, how kept.

SEC. 6. The Justice of the Peace shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection; which record shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale, and if such surplus money be received by the owner he shall receipt for it on the margin of the docket.

Misdemeanor.

SEC. 7. Any person who shall drive stock from outside lands upon his own land for the purpose of taking advantage of any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished accordingly.

Same.

SEC. 8. The word "animals," used in this Act, shall include turkeys, and the sum of three cents per day shall be allowed for the keeping the same.

Fees of officers.

SEC. 9. Any person who shall unlawfully drive off or lead away any animal seized under this Act, from the possession of any person who lawfully seized the same, or from its place of keeping, is guilty of a misdemeanor, and shall be punished as provided by law.

SEC. 10. The fees of Justices and Constables for services under this Act shall be the same as in other civil actions.

SEC. 11. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall apply only to Marysville and Long Bar Townships, Yuba County, and shall take effect and be in force from and after its passage.

CHAP. CLXXXVIII.—*An Act concerning the office of County Clerk of Santa Barbara County.*

[Approved March 11, 1876.]

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

Duties of Clerk. Salary.

SECTION 1. The County Clerk of Santa Barbara County, from and after the first Monday of March, one thousand eight hundred and seventy-eight, shall receive for all services required of him as County Clerk, and ex officio as County Recorder, Auditor, Clerk of the District Court, County Court, Probate Court, and Clerk of the Board of Supervisors, Equalization, and Canvassers, a salary of two thousand five hundred dollars per annum, which salary shall be in

full for all services required of him as aforesaid, and shall be paid monthly out of the county treasury of said county.

SEC. 2. The said County Clerk shall be allowed one Deputy County Clerk, who shall receive, for all services required of him, a salary of one thousand dollars per annum. He shall also be allowed one Deputy Recorder, who shall receive, for all services required of him, a salary of one thousand dollars per annum; and he shall be allowed one additional Deputy Recorder at such times as the Board of Supervisors may deem it necessary to discharge the duties of said office, who shall receive a salary at the rate of one thousand dollars per annum, for such times only as the Board shall, by an order entered on its minutes, direct. The deputies herein provided for shall be paid monthly out of the county treasury of said county.

Deputies,
salaries of.

SEC. 3. The said County Clerk shall, from and after the first Monday of March, one thousand eight hundred and seventy-eight, collect and safely keep all fees and compensation of whatever kind allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month shall pay the same over to the County Treasurer of said county, and shall, at the times herein provided for the paying over to the said Treasurer, make out and file with said Treasurer a full and accurate statement, under oath, of all fees or compensation, of whatever kind, received by him in his several official capacities for the preceding month.

Clerk to
report fees.

SEC. 4. It shall be the duty of the County Treasurer of said county to receive and receipt for all moneys paid over to him under the provisions of this Act.

SEC. 5. This Act shall take effect and be in full force from and after the first Monday of March, eighteen hundred and seventy-eight.

CHAP. CLXXXIX.—*An Act to transfer the Swamp Land Fund of San Mateo County to the General Fund of said county.*

[Approved March 11, 1876.]

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

SECTION 1. The Board of Supervisors of San Mateo County are hereby authorized and empowered to transfer the money in the Swamp Land Fund of San Mateo County to the General Fund of said county; *provided*, that the fund so transferred shall be refunded when the money is required for the purposes for which it was originally created; and the Board of Supervisors shall levy, at the same time other taxes are levied, a tax sufficient to repay the amount so transferred, or any portion thereof, when it shall be needed.

Supervisors
to transfer
funds.

SEC. 2. This Act shall take effect immediately.

CHAP. CXC.—*An Act to enable John Hoagland and others to sue the City of Sacramento.*

[Approved March 11, 1876.]

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

Suit for damages may be commenced, by whom.

SECTION 1. It shall be lawful for John Hoagland, James Reed, Mary Limsel, George Cooper, Rebecca C. Hoagland, William B. Todhunter, and Henry Lienberger, in his or her name and behalf, to institute an action at law, in any Court of competent jurisdiction, in Yolo or Sacramento County, in this State, against the City of Sacramento, and in such action to recover against said city the amount of damage, if any, that he or she sustained by reason of the diversion of the waters of the American River into the Sacramento River through a canal cut by the order or direction of the Levee Commissioners of said city, in the year eighteen hundred and sixty-two, above the mouth of said American River.

Damages, amount of to be ascertained.

SEC. 2. If, upon the trial of any of said cases, it shall appear that the plaintiff has sustained damage to his or her property, real or personal, by reason of said canal, and the diversion of said waters through it into the said Sacramento River, the jury, or, if a jury trial be waived, the Court shall ascertain and find the amount of such damage, at the time it was sustained, in United States gold coin; and judgment shall be rendered in favor of the plaintiff for the amount of said damage (together with seven per cent. per year on the same from the time said damage was sustained till the trial of said case).

Judgment.

Liability, when to cease.

SEC. 3. The judgment provided for in the last section shall be a full satisfaction for all damage that has been, or that may be, sustained by the plaintiff, and a full release of said city from any further liability or suit on account of said canal, and diversion of said waters into the Sacramento River through the same.

Judgment to be filed.

SEC. 4. After final judgment is rendered in any of said cases, the plaintiff may file a certified copy thereof in the office of the City Auditor of said city; and the amount of said judgment shall, from the time of filing thereof, become a debt of said city to the plaintiff.

Judgment, how satisfied

SEC. 5. Immediately after the filing of said copies of said judgments, the said City Auditor shall draw in favor of each plaintiff, or his assignee, three warrants, each warrant for one-third of said judgment, which warrant shall be made payable out of a special fund to be provided by said city for such payment.

Warrants, when payable.

SEC. 6. The said warrants shall be numbered; and the first shall be made payable one year after its date, the second shall be made payable two years after its date, and the third shall be made payable three years after its date. Said warrants shall call for seven per cent. interest per year from their date, and shall be made payable in United States gold

coin; and the interest shall be made payable annually, at the end of each year, on each of said warrants.

SEC. 7. The Board of Trustees of said city shall, after said warrants are issued, annually levy a tax on the taxable property in said city sufficient to pay said warrants and the interest punctually, as the same mature. Said tax shall be levied and collected as other city taxes. Special tax.

SEC. 8. At any time after the plaintiffs, or either of them, shall file his or her complaint under the provisions of this Act, and before judgment is recovered, it shall be lawful for the City Trustees of said city to offer judgment for such amount as they may believe just; and if the plaintiff refuse to accept the judgment so offered, he or she shall not recover any costs unless the recovery is more than the sum offered. Trustees may offer judgment.

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

CHAP. CXCI.—*An Act to fix the terms of the County and Probate Court in the County of Merced.*

[Approved March 11, 1876.]

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

SECTION 1. The regular terms of the County Court and Probate Court, in and for the County of Merced, shall be held at the county seat of said county on the first Monday in March, August, and December in each year. Terms of Court.

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

CHAP. CXCII.—[See volume of *Amendments to the Codes.*]

CHAP. CXCIII.—*An Act to incorporate the Town of Hayward.*

[Approved March 11, 1876.]

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

SECTION 1. The people residing within the boundaries of that tract of land in Eden Township, in Alameda County, described in section two of this Act, are hereby constituted a body politic and corporate by the name of the "Town of Hayward," and by that name shall have perpetual succession, may sue and be sued in all Courts and in all actions whatso- Corporate name.

ever, and shall have and use a common seal and alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

Corporate boundaries.

SEC. 2. Beginning at the westerly corner of J. W. Bolces' land, and immediately on the northeasterly line of the county road from Haywards to San Leandro; thence along Bolces' northwesterly line to a point on the left or southerly bank of San Lorenzo Creek; thence following up the meanderings of the left or southerly bank of said creek to the line dividing the land of M. Creary and J. W. Webster; thence southeasterly along said dividing line to the northerly line of the county road; thence across the county road to the northwesterly corner of Correia's land; thence easterly along said Correia's land to the northeasterly corner thereof; thence southerly along said Correia's land to the northeasterly corner of Thompson's land; thence southeasterly along said Thompson's land to the northerly line of Cemetery Avenue; thence westerly along the northerly line of said avenue to a point where the easterly line of N. Rasmusen, prolonged, intersects the same; thence southerly along the southeasterly line of said Rasmusen's land to the easterly corner thereof; thence westerly along the southeasterly line of Rasmusen, Collins, and Pimentel, to the northeasterly corner of Pell's land; thence southerly along Pell's land to the southeasterly corner of the same; thence southwestwardly to the southeasterly corner of land of Stroble and Newdeck; thence westerly along Stroble and Newdeck's line to a point where it is intersected by the westerly line prolonged of Saint Joseph Cemetery; thence southerly along the northerly line of said cemetery to the northerly or right bank of Sanjon Creek; thence following down the northerly or right bank of said Sanjon Creek to the easterly line of the county road from Hayward to Mount Eden; thence easterly along the easterly line of said road to a point opposite the northeasterly corner of J. M. Alexander's land; thence northwesterly, crossing said road, to the last mentioned corner; thence southerly along the westerly line of said road to the southwestwardly line of the Central Pacific Railroad's right of way; thence along the southwestwardly line of said right of way to a point where the same is intersected by the northwesterly line of Hayward Avenue; thence northeasterly along the northwesterly line of said avenue to the westerly boundary of Laurel School District; thence northerly along said boundary to the place of beginning.

Town government, in whom vested.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members, an Assessor, Clerk, Marshal, Treasurer, and Justices of the Peace.

Elections to be held under general law.

SEC. 4. All elections held under the provisions of this Act shall be in accordance with the general election laws of this State. All the duties of an Election Board, which are or may be prescribed by the statutes of the State regulating and governing elections, shall be performed by the Board of Election of said town, who shall be appointed by the Board

of Trustees of said town, and have the same power as a Board of Election under the general laws of the State. When the returns shall have been completed they shall be sealed and delivered by the Board of Election to the Town Clerk, who shall safely keep the same, not allowing any person to open said returns, and deliver them to the Board of Trustees at their meeting on the first Wednesday subsequent to the election. The Board of Trustees shall meet on the first Wednesday subsequent to the election, and duly canvass the election returns in the manner prescribed by the general election laws of the State, declare the result, and direct the Town Clerk to issue certificates of election to the persons elected.

SEC. 5. Said Trustees, Assessor, Clerk, Marshal, Treasurer, and Justice of the Peace shall be elected by the qualified electors of said town, on the first Monday of May of each year, and shall enter upon their duties upon the first succeeding Monday thereafter, and they shall hold their offices for one year and until their successors are elected and qualified.

Officers,
when
elected;
terms of

SEC. 6. The Board of Trustees shall meet on the first Monday after their election, qualify and choose a President from their number. The time and place of holding their stated meetings shall be as provided by ordinance, and they may be convened by the President at any time by a written notice delivered to each member, and all meetings of the Board shall be within the corporate limits of the town and shall be public. In case the Clerk shall not be present the President may appoint one of their number as Clerk pro tem.

Board of
Trustees,
how
organized.

SEC. 7. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business, a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

Quorum to
act.

SEC. 8. The Board of Trustees shall judge of the qualification of their own members and of all election returns, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question and entered on the journal.

Powers
granted to
Trustees

SEC. 9. The Board of Trustees shall have power within said town:

Same

First—To make by-laws and ordinances, not repugnant to the Constitution and laws of this State, or the United States.

Second—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, under the limitations hereinafter presented by this Act.

Third—To lay out, alter, open, and keep open and repair the streets, sidewalks, and alleys of the town, and determine the width and grade of all streets and sidewalks in the town, and to set out, and cause to be set out and cultivated, shade

Powers
granted to
Trustees

trees along said streets, and to regulate and direct the planting of the same.

Fourth—To provide such means as they may deem necessary to protect the town from injury by fire.

Fifth—To levy and collect, annually, a tax not to exceed one per cent. on the assessment valuation of all property, both real and personal, within the limits of the town.

Sixth—To impose and collect a road poll-tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one and less than sixty years; and no other road poll-tax shall be collected within the limits of the Town of Hayward.

Seventh—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town; and no other dog tax shall be collected within the limits of said town.

Eighth—To provide for the draining, the establishing of grades, improvements, repairs, and lighting of the streets and the construction of sidewalks, drains, and sewers, and the keeping of the same in repair; to prevent the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort, and safety, and to provide for the prevention and regulation of contagious disease; to suppress or regulate the erection of soap or glue factories, or tan-yards; to suppress and prohibit gambling-houses, and all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals and contrary to public order and decency.

Ninth—To regulate the erection of steam boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

Tenth—To prevent the leaving of any animal upon any street, alley, or lane within the limits of the town, without securely fastening the same; also to prevent the hitching or fastening of any animal to, or to prevent the posting of any notice or placard upon, or otherwise defacing or injuring any lamp-post, or hydrant, or any tree upon any highways of the town, or any case or box around such tree.

Eleventh—To prevent the appearance of any person upon the highway or public place, in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person therein; and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his person, or performing any indecent, immoral, or lewd play or representation. or the bathing in any public manner within the limits of the town; to prevent any noise, disorder, or tumult to the disturbance of the public peace.

Twelfth—To prevent the discharge of fire-arms, pistols, or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse or other animal on the highways within the town; to prevent any sport or exercise upon

the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd. Powers granted to Trustees.

Thirteenth—To provide for inclosing, improving, and regulating all public grounds, at the expense of the town.

Fourteenth—To license, tax, and regulate all such business and employments as the public good may require, and as may not be prevented by law, and fix the terms and price thereof; *provided*, that the proceeds of all licenses issued to persons doing business within the Town of Hayward shall be paid in to the Town Treasurer, for the use of said town, and it shall be unlawful for any county officer to collect any such town licenses within the said town.

Fifteenth—To permit the laying of railroad tracks, and the running of cars drawn by horses or steam thereon, and to regulate the same.

Sixteenth—To erect, purchase, or lease proper buildings for a fire department.

Seventeenth—To provide for the good order of the town, and to appoint special policemen when deemed necessary to preserve the public peace.

Eighteenth—To purchase, hold, and maintain a fire engine, and such implements for the prevention and extinguishing of fires as may be necessary.

Nineteenth—To prevent horses, mules, jacks, jennets, cattle, goats, sheep, and swine from running at large, being picketed, or herded upon the streets, alleys, lanes, or public grounds within the limits of the town.

Twentieth—To establish a pound and a Poundkeeper, and describe his duties; and to provide for a public sale by the Poundkeeper of such animals as shall be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of the State, *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded to reclaim the same at any time before the sale, upon payment of costs and charges of taking up and impounded, and damages, if any; and within thirty days after the sale shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of taking up, impounding, and selling the same, and damages, if any, and upon the payment of the sum of one dollar to the said Justice, as a fee for the investigation of ownership, and for his certificate to that effect, the purchase money arising from such sale or sales.

Twenty-first—To provide for the lighting of such streets and buildings belonging to or in use by the town, as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

Twenty-second—To offer and pay rewards for the arrest and conviction of persons charged with crime.

Twenty-third—To prescribe and fix such penalties for the violation of any of the provisions of this Act as are not otherwise provided for.

Twenty-fourth—To erect, purchase, or lease buildings suit-

able for the public meetings of the Board of Trustees, and for markets, schools, and prisons; *provided*, that the amount expended for the construction of buildings shall not exceed four thousand dollars in any one year, *and provided further*, that the amount expended for leasing shall not exceed one thousand dollars in any one year.

Twenty-fifth—The Board of Trustees shall have power to order, at the general municipal election, on like notice and in the same manner as the other officers are elected, one or more Justices of the Peace, and one or more Constables, to hold office for one year and until their successors are elected and qualified.

Twenty-sixth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the power herein granted.

Twenty-seventh—They shall fix by ordinance, each year, the rate per cent. of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said town.

Trustees to
fix penalties

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars, nor imprisonment exceeding thirty days for any one breach of any ordinance, shall be imposed on any one person. Any Justice of the Peace residing within the limits of said town shall have jurisdiction to hear and try all cases for the violation of ordinances, and to render a judgment of fine or imprisonment, or both, within the limits prescribed by the ordinance. All suits for the violation of any ordinance shall be in the name of the people of the State of California. Fines may be collected by execution. In case judgment directing the payment of a fine be rendered, the Justice may further direct that in case the defendant fail to pay the same, he shall be imprisoned until the same be paid, not to exceed one day for every two dollars of the fine. Persons living within the limits of the town shall be competent jurors, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission so to do, such officer may be proceeded against upon his official bond, in the name of the town, in the manner authorized on the failure of officers to pay over money collected when so required. Said Justice must also add costs of suit to the fine.

Jurors, who
competent

Opening of
streets,
petitions for

SEC. 11. *Article One*—Whenever a petition shall be presented to the Board of Trustees of the Town of Hayward, signed by twenty resident owners of real estate in said town, to open any street already established and sought to be extended, or open any new street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of four-fifths of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, that the con-

venience of the public will thereby be promoted, they may, by resolution, direct an engineer to furnish a map of the said proposed improvement, and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer.

Article Two—It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portion owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Engineer to survey same

Article Three—Upon receiving said map and return from said engineer, the said Board shall forthwith give notice, of not less than five days, by publication in a newspaper, if there be one published within said town; if there be no newspaper published in said town, then by posting notices at the place of meeting of said Board, and at three other public places in said Town of Hayward, of the time and place where they will hear all parties desiring to show cause against said improvements. At the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but such adjournment shall not in the aggregate exceed seven days, the Board shall proceed with such hearing.

Board to publish notice of hearing

Article Four—If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect by ballot three Commissioners, residents and property owners in said town, not interested directly or indirectly in the proposed improvements, or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvements. Within two days thereafter said Commissioners shall give notice of time and place where they will proceed to examine the property to be affected by such improvements, by an advertisement for three days in a newspaper published in said town, if there be a newspaper published therein, and if not, by posting notices at the place of meeting of the Board, and at three other places in said town. At the time and place named they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of the owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages, and the fees and expenses of said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment they shall take all pertinent testimony that may be offered them, and may examine any witness that they shall deem

Commissioners to assess damages and benefits

Damages and fees to be apportioned

it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after the apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of all assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid.

Board to
levy tax on
property
benefited

Article Five—Upon receiving such report, said Board may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien on said several parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such a tax they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due from each to the Town Marshal, within ten days from the first publication of said notice. At the expiration of said ten days they shall issue to the Town Marshal a warrant, to be signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Collection
of tax

Delinquent
assessments

Article Six—Upon receiving said warrant the Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution for Sheriffs, and return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Board may issue, with like effect, a subsequent warrant or warrants until all be collected.

Payment of
damages.

Article Seven—As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded the sums severally due them, and thereupon to proceed forthwith and open said street or other improvement; and the same shall thereupon be deemed to be open to public use for the purpose and to the extent in the original resolution prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury as a special deposit, subject to their order; and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Special fund

Article Eight—All moneys collected under this Act shall be paid into the town treasury as a special fund for the purpose for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Compensa-
tion of
Engineer
and Com-
missioners

Article Nine—The engineer aforesaid, and the Commissioners to be appointed as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examination above mentioned, or

for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day, devoted to their duties as such Commissioners; and they shall not receive any other fees or compensation for such services.

SEC. 12. The Board of Trustees of the town shall have power and are hereby authorized to order the whole or any portion of the streets, lanes, alleys, places, courts, and public grounds of the town graded or regraded, curbed or recurbed, macadamized or remacadamized, paved or repaved, and to order sidewalks, cross-walks, culverts, sewers, cess-pools, man-holes, and hydrants constructed therein, and to order any other work done which shall be necessary to make and complete and keep the same in good repair, and to order the streets and sidewalks and public grounds kept free from grass and weeds, and to order shade trees planted and taken care of along the line of the streets and in the public grounds, and the costs of making such improvements shall be made a lien upon the lots and land fronting upon the streets where such improvements shall be made and contiguous thereto, as specified in the succeeding sections of this Act.

Grading, curbing, etc., power of Trustees to order

SEC 13. *Article One*—The Board of Trustees may order any of the work authorized by section twelve of this Act to be done, and furnish plans and specifications for the same, after notice of their intention so to do, in the form of a resolution describing the work, and signed by the Clerk of said Board, has been posted on three town bulletin boards for at least five days, and by one insertion in some newspaper, if there be one published within the town After posting, and before the expiration of such notice, all owners of lands and lots or portions of lots fronting on said improvements, who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notice of intention, may file with the said Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such remonstrance shall be passed upon by said Board, and their decision shall be final; but if such remonstrance shall represent three-fourths of the frontage on the proposed improvements, and shall have been filed with the said Clerk previous to the expiration of said notice, then it shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners as aforesaid shall sooner petition for the same to be done; *provided*, that one-half or more in width or in length of any street lying and being between two street crossings have been already improved, said Board may order the remainder improved, notwithstanding the objection of property owners fronting thereon.

Ordering work, manner of.

Article Two—When the Board of Trustees shall have ordered improvements made, as provided in the preceding article, if they deem it best, they may set a time in which the owners or occupants of lands and lots fronting on the street where the improvements are ordered made, may make the same in front of their respective lots and premises, in accord-

Proposals, Board to advertise for.

ance with the plans and specifications furnished therefor by said Board. But if, in the judgment of the Board, they shall deem it best, they shall cause notices, signed by the Clerk, to be posted forthwith on three town bulletin boards, for at least five days, and also be inserted one time in some newspaper, if there be one published within the town. Said notice shall describe the improvements to be made, and the time within which sealed proposals will be received by said Clerk for the making of said improvements, in accordance with the plans and specifications therefor. At the time specified in said notice, the Board of Trustees, in open session, shall open and examine all bids which shall have been received by the Clerk, and publicly declare the same, and award the work to the lowest responsible bidder; *provided*, they may reject any or all bids, as the public good may, in their opinion, require; and, also, the bid of any party who may have proved delinquent or unfaithful in any former contract with the town; and if all bids are rejected, the Clerk shall readvertise, as aforesaid.

Awarding of contract

Marshal to make contract

Article Three—When the Board of Trustees shall have awarded the making of any improvements, as aforesaid, it shall be the duty of the Town Marshal to forthwith enter into a contract with the successful bidder for the making of the improvements, as advertised for, and according to the plans and specifications therefor, and at the price named in the award of said Board; said contract to specify the rate per front foot, and the cost of each separate street crossing, including all work, the full width of both streets in said crossings; and all contracts made therefor must contain this condition and express notice, that the town will in no case be liable for any portion of the expense, nor for any delinquency of persons and property. Said Marshal shall require of the contractor a good and sufficient bond for the completion of the work, as specified in the said contract; said bond to be approved by the said Board of Trustees.

Contractor's bond

Expenses how assessed

SEC. 14. *Article One*—The expense incurred for any work authorized by section thirteen of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter specially provided; each lot or portion of a lot being separately assessed in proportion to its frontage, at a rate per front foot sufficient to cover the total expenses of the work, except as provided in the succeeding articles of this section; and provided, also, that the Board of Trustees may, in their judgment, order a portion of the expenses paid out of the town treasury, and the balance assessed as aforesaid.

Same

Article Two—The expense of the work done on street crossings shall be assessed upon the four quarter blocks adjoining and cornering upon said crossing, and each lot or portion of a lot fronting upon both such streets shall be separately assessed in proportion to its frontage on one or both streets, at a rate sufficient to cover the total cost of said crossings.

Same

Article Three—When a street terminates in another street, the expenses of work done on one-half the width of the street adjoining the termination shall be assessed upon the two quarter blocks cornering on the same, according to the front-

age of said lots on said street; and the expense of the other half of the width of said street, upon the lot or lots fronting on the latter half of the street opposite such termination.

SEC. 15. *Article One*—After the contractor of any street work has fulfilled his contract to the satisfaction of the Town Marshal and Town Engineer, or of the said Board of Trustees, on appeal, it shall be the duty of the Town Assessor to forthwith make an assessment to cover the sum due for the work performed and specified in said contract, including the expense of engineering, in conformity with the provisions of section fourteen of this Act, according to the character of the work done, or if any directions or decisions shall be given by said Board of Trustees, on appeal, then in accordance with such directions or decisions, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the cost of engineering, if any, the rate per front foot assessed, and the amount of each assessment; the name of the owner of each lot or portion of a lot, if known to the Assessor, if unknown, the word “unknown” shall be written opposite the number of the lot and the amount assessed thereon, the number of each lot or portion of a lot assessed; and when the said assessment shall have been completed, the said Assessor shall certify to the correctness of the same, and deliver said assessment to the Town Clerk.

Town Assessor to make assessment

Article Two—The Clerk, upon receipt of the assessment aforesaid, shall forthwith post notices on three town bulletin boards, in which he shall state on what portion of any street work has been done, to pay for which the assessment has been levied, that the assessment can be seen at his office, and that the Board of Trustees will meet on a day named (which day shall not be less than five nor more than ten days from the posting of said notices) to hear any appeal that any person, directly interested in the work performed or the assessment made, may make, in writing. After examining any objections or complaints that may be brought before them on appeal, in regard to the aforesaid assessment, the Board of Trustees may correct, alter, or modify such assessments in such manner as to them may seem just, and direct the Assessor to make such corrections, alterations, or modifications. All the determinations and decisions of said Board, upon notice and hearing, as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section.

Board to hear appeals, notice of

Decisions final

Article Three—After the assessment shall have been approved by the Board of Trustees, as aforesaid, the Clerk shall hand the same over to the Town Marshal, so made up and approved. The Marshal, upon receipt of the said assessment, shall forthwith attach thereto a warrant, which shall be signed by the Marshal and countersigned by the President of the Board of Trustees; the said warrant to be substantially as follows: I, [name of Marshal], Marshal of the Town of Hayward, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do

Contractor to accept warrant for assessments in payment.

authorize and empower [name of contractor], his or their agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be [his or their] warrant for the same. [Name of Marshal], Marshal of the Town of Hayward. Countersigned, [name of President of the Board], President of the Board of Trustees. Said warrant and assessment shall be recorded by the Marshal. When so recorded, the several amounts assessed shall be a lien upon the lands and lots, or portions of lots assessed, respectively, for the period of two years from the date of recording, unless sooner discharged, and from and after the date of recording said warrant and assessment, all persons mentioned in article one of this section shall be deemed to have notice of the contents of the record thereof. After said warrant and assessment are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessment.

Assessments
to be liens

Contractor
to demand
payment

Article Four—The contractor or his assigns shall call upon the person so assessed, or their agents or assigns, if they can conveniently be found, and demand payment of amount assessed to each. If any payment be made, the contractor or his assigns shall receipt the same upon the assessment in presence of the person making such payment, and shall give a separate receipt if demanded. Whenever the persons so assessed cannot conveniently be found, or whenever the name of the owner of the lot is stated as unknown in the assessment, then the said contractor, or his agent or assigns, shall publicly demand payment on the premises assessed. The warrant and assessment shall be returned to the Marshal within thirty days after the date of the warrant, with a return indorsed thereon signed by the contractor, or his agent or assign, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Whereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and shall sign the record.

Assessments,
when
delinquent,
Contractor
may sue

Article Five—After the expiration of thirty days from the date of the warrant and assessment aforesaid, and after the Marshal shall have recorded the return as specified in the preceding article, the several assessments therein remaining unpaid shall be deemed delinquent, and five per cent. shall be added thereto, and the contractor, or his agent or assigns, may, at any time during the continuance of the lien of said assessment, sue in his own name the owner of the lands, lots, or portions of lots assessed, and recover the amount of any assessment and percentage aforesaid remaining due and unpaid. Such suit may be brought in any Court in said town and county, having jurisdiction of the amount for which suit is brought. Said Courts are hereby clothed with jurisdiction to hear and determine such actions. The said warrant and assessment and non-payment shall be prima

facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. If suit be commenced in a Justice's Court, the action may be brought and judgment rendered against the owner of the lands and lots, or portions of lots, liable for such assessment, or said contractor may bring an action in the District Court of said county to foreclose the lien of said assessment, and may obtain a decree for the sale of such premises, and such decree shall provide for a counsel fee of twenty-five dollars, to be paid to such contractor or his attorney, out of the proceeds of such sale, in addition to such assessment and costs. Such premises, if sold, may be redeemed as in other cases. In all suits brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Code of Civil Procedure of this State. This Act shall be liberally construed to effect the ends of justice.

Counsel fees

Redemption of property

Article Six—The Marshal of said town may require, at his option, by notice in writing, to be delivered to them personally, or posted on the premises, the owners, tenants, or occupants of lands or lots, or portions of lots liable to be assessed for work done under the provisions of this Act, to improve, forthwith, any of the work mentioned in section fourteen of this Act, in front of the property of which he is owner, tenant, or occupant, to the center of the street or otherwise, as the case may be, specifying in said notice what improvements or work is required. After the expiration of three days, the said Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or making the improvements required by said notice. If such improvements be not commenced within three days after the notice given as aforesaid, and diligently prosecuted to completion, the said Marshal may enter into a contract with any suitable person applying to make said improvements, at the expense of the owner, occupant, tenant, or lessee, at a reasonable price, to be determined by said Marshal; and such owner, tenant, or occupant shall be liable to pay the same after the certificate, mentioned in the succeeding article, shall have been recorded by the Marshal. The sum contracted for shall be a lien upon the lands and lots liable therefor, the same as provided in article three of this section, and may be enforced in the same manner.

Marshal may require owners to improve property

Marshal to order work by contract.

Article Seven—If the expense of the work and materials for such improvements, after the completion thereof, be not paid to the contractor, or his agent or assigns, on demand, the said contractor, or his agents or assigns, shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid; and the certificate of the Marshal, that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and material, and of the right of the contractor to recover the same in such action.

Suit by contractor for costs

Article Eight—In addition, and as cumulative to the remedies above given, the Town Trustees shall have power, by

Penalties for neglect by owners

resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable therefor, for neglecting or refusing to make improvements when required as provided in article six of this section, which fines and penalties shall be recovered by prosecution in the name of the people of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Trustees, in payment of the expenses of any such improvements, when not otherwise provided for.

Tenant or
lessee may
pay costs

Article Nine—Any tenant, occupant, or lessee of the lands or lots liable for the cost of such improvements may pay the amount assessed against the property of which he is the tenant, occupant, or lessee, under the provisions of this Act, or he may pay the price agreed upon to be paid under the provisions of this section either before or after suit brought, together with costs, to the contractor, or his agent or assigns, or may redeem the property if sold on execution or decree, for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due, or to become due from him; and for any sum so paid beyond the rents due from him he shall have a lien upon and may retain possession of the said land and lots until the amount so paid and advanced be satisfied, with legal interest, from accruing rents or by payment by the owner.

Marshal to
keep record
Other duties

Article Ten—The Marshal shall keep in a book for that purpose a record of all street work that shall be done, and for the recording of all street assessments as provided in this Act, and shall superintend the making of all improvements of the streets, sidewalks, and public grounds, and require all contractors to faithfully comply with the terms of their contracts before the work shall be accepted by him. He shall also see that the laws, orders, and regulations relating to the streets, highways, and public grounds be fully carried into execution, and that the penalties for non-compliance therewith are rigidly enforced. It is required that he shall keep himself informed of the condition of all the public streets and highways, and also of all the public buildings, parks, lots, and grounds of said town, and should the Marshal fail to see the laws, orders, and regulations aforesaid carried into execution, after notice from any citizen of non-compliance therewith or violation thereof, the said Marshal and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of such official neglect; and he shall also be liable to the Board of Trustees upon his official bond if he shall accept any contract work in his official capacity before the same shall have been completed in accordance with the plans and specifications for the same, in a sum sufficient to complete such work as specified.

Officers not
to contract
public debt

SEC. 16. Neither the Board of Trustees, or any officers or authority, shall have power to contract any debt against said town, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or any claim against the town, except such legal and proper

expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied, and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt, or liability incurred during any preceding year.

SEC. 17. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected. Ordinances,
to be legal

SEC. 18. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meetings shall be held for such length of time as the Board of Trustees shall, by ordinance, fix. Said Board shall not sit as a Board of Equalization after the first Monday of October, and on that day they shall levy upon the assessed valuation of the property of said town the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes; they shall then deliver to the Town Clerk the assessment roll, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained, and shall deliver said assessment roll, so made out and duly certified to, to the Town Marshal for collection, on the first Monday of November. Board of
Equaliza-
tion,
meetings of

SEC. 19. The Marshal, Assessor, Clerk, and Treasurer, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Hayward, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees. Official oaths
and bonds

SEC. 20. If any vacancy shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees. Vacancies

SEC. 21. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by Failure to
qualify

SEC. 21. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by Demands
against
town

the Board of Trustees; and no bill, demand, or warrant shall be paid out of the town treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk.

Town Clerk,
duties of

SEC. 22. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, and shall keep a correct journal of their proceedings, and, on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, issue certificates of election to the persons elected, and he shall receive such compensation for his services as said Board of Trustees may by ordinance fix, and for a failure to comply shall be liable to all such penalties as are herein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk.

Marshal,
duties of

SEC. 23. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all taxes and licenses that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof, to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue; and it shall be the duty of the Marshal to collect, in the same manner, any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board of Trustees may by ordinance fix. He shall have the same power in all civil and criminal cases, within the limits of said town, as Constables have within the respective townships for which they are elected, and be entitled to the same fees, and for failure to comply with the duties required of him shall be liable to all such penalties as are herein set forth, and subject to removal from office.

Treasurer,
duties of

SEC. 24. It shall be the duty of the Town Treasurer to receive and safely keep all money that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees, and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk, and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town.

Assessor,
duties of

SEC. 25. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first

Monday of August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes, and also make assessment for street work as provided in this Act, and the Assessor shall receive for his services such sum as shall be fixed by ordinance. No levy of taxes shall be made upon real and personal property within the limits of the town by the Board of Supervisors of Alameda County for road purposes, and no taxes shall be collected by the Tax Collector of said county, on property situate within said town, for such purposes. Said Clerk, Marshal, and Assessor shall have the same power to administer and certify to an oath as has a Justice of the Peace.

Oaths,
whom to
administer.

SEC. 26. Whenever any improvement shall be made upon the streets or sidewalks of said town, in front of any property owned by the County of Alameda, the proper proportion of cost thereof shall be paid by said county out of the General Fund of said county.

County
property
habable to
assessment

SEC. 27. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Alameda; *provided*, that the publication of the delinquent list shall be made in some newspaper published within said town, if there be one; if there be none, then in some newspaper published within said county; *provided*, all sales for delinquent taxes shall be made in front of the Town Hall, by the Town Marshal.

Town taxes,
how
collected

SEC. 28. The Board of Trustees of said town may appoint a Town Attorney, to hold office during the pleasure of said Board, whose duty it shall be to prosecute all suits brought on behalf of the town, and to defend all suits brought against it; and to do such other duties as the Board of Trustees may direct, and whose compensation shall be such sum as said Board may determine.

Town
Attorney.

SEC. 29. The Town Justice of the Peace shall have the same jurisdiction within the limits of said town, in all civil and criminal cases, as any other Justice has within the township for which he is elected.

Jurisdiction
of Town
Justice.

SEC. 30. All taxes, assessments, and fines payable to the town treasury, and the costs of the improvements on any sidewalk, street, or other town improvement, shall be payable only in gold and silver coin of the United States.

Payments in
coin only

SEC. 31. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present, and, in the absence of the President, the Board may appoint one of their number to act as President pro tem.; and for their services, said Trustees and President shall receive no compensation.

President of
Trustees to
preside

SEC. 32. The style of the ordinance of the Town of Hayward shall be: "The Trustees of the Town of Hayward do ordain as follows."

Ordinances,
style of

SEC. 33. The Town Trustees are hereby authorized and

Record
books

required to procure the necessary books for the official record of the town.

SEC. 34. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 35. This Act shall take effect and be in force from and after its passage.

CHAP. CXCIV.—*An Act to amend an Act entitled "An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office," approved March thirtieth, one thousand eight hundred and seventy-four.*

[Approved March 11, 1876.]

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

Duties and
compensation
of
County
Clerk

SECTION 1. Section three of said Act is hereby amended to read as follows: Section 3. The Clerk of said county, for all services as County Clerk, ex officio Recorder and Auditor, Clerk of the Board of Canvassers, of the Board of Supervisors, and the Board of Equalization, and all other official capacities, shall receive the sum of thirty-six hundred dollars per annum; *provided*, said sum of thirty-six hundred dollars per annum shall be received by him from the fees which are now or hereafter may be allowed to said Clerk for services as County Clerk, Clerk of the District, County, and Probate Courts, County Recorder and Auditor, or otherwise; *provided*, that he shall receive no percentage on taxes. Said Clerk shall keep a record-book, in which he must enter all fees received by him, or which may be due to him for any and all services rendered by him in and by virtue of any and all of said offices. Said book shall be open to the inspection of all who may desire to consult the same. It is hereby made the duty of said Clerk to demand all fees in advance, and if not so paid, he may refuse to perform the required services until a tender thereof be made; *provided*, that no tender need be made for State or county business; and the said Clerk and his bondsmen are hereby made liable and responsible to the said County of Tehama for all moneys paid to or due him for services rendered in his official capacity, as aforesaid, and at the end of his official years he shall render a true statement thereof to the Board of Supervisors, and pay the surplus (if any), over and above said thirty-six hundred dollars, to the Treasurer, who shall pay the same into the General Fund of the county; and if the fees shall not amount to said thirty-six hundred dollars per annum, the Supervisors shall order the deficiency to be paid from the General Fund of said county.

Bondsmen
liable

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

CHAP. CXCIV.—*An Act to establish and define the powers and duties of a Board of Education of Grass Valley School District, in the County of Nevada, the said district including the Town of Grass Valley.*

[Approved March 11, 1876.]

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

SECTION 1. There shall be a Board of Education for Grass Valley School District, as the said district is now established, including the Town of Grass Valley, which shall consist of seven School Directors, who shall be elected by the qualified electors of said district on the last Saturday in June, one thousand eight hundred and seventy-six, in the same manner provided by law for the election of School Trustees of the Public Schools of the State of California. The Directors shall hold their office for the term of three years from the first Monday in July next succeeding their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that two Directors shall go out of office at the expiration of one year, two at the expiration of two years, and three Directors at the expiration of three years; and thereafter there shall be two Directors of said Board elected on the last Saturday in June, eighteen hundred and seventy-seven; and two on the last Saturday in June, eighteen hundred and seventy-eight; and three Directors on the last Saturday in June, eighteen hundred and seventy-nine; and thereafter in the same order. And should vacancies happen, by resignation or otherwise, of the Directors so elected, the said Board of Education shall have power to appoint a Director to fill said vacancy for the unexpired term of office.

SEC. 2. The Board of Education shall also elect one of the Directors Clerk of the Board, who shall faithfully keep a record of the proceedings of said Board, and perform all the duties and be entrusted with all the powers conferred on the Clerks of Boards of Trustees of the public schools by law referred to in the next section.

SEC. 3. The said Board of Education shall perform such duties and have all the powers conferred on Boards of Trustees of school districts and Boards of Education in cities, as provided in the Political Code of California concerning public schools, viz: Chapter Three, Title Three of Part Three of said Code. The said Board of Education shall also have power to establish and maintain public schools in said district, to employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter and allow their salaries or compensation, and to order the same paid; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board and the laws in said chapter regulating education.

SEC. 4. The Board of Education shall have sole power to make, establish, and enforce all necessary and proper rules

Board of
Education to
consist of
seven
Directors

When
elected

Terms of
office

Vacancies,
how filled

Clerk, duties
of

Powers and
duties of
Board

To provide
stationery,
lights, fuel,
etc

and regulations, not contrary to law, for the government, and to establish and regulate the grade of schools, to provide for the school department of said district, fuel, light, water, blanks, blank books, printing, and stationery; insure the property against loss by fire, and to incur and defray such other incidental expenses as may be deemed by said Board necessary for the purposes of education.

Organiza-
tion of
Board

SEC. 5. The Board of Education shall meet at the High School-house in said district, on the first Monday in July, eighteen hundred and seventy-six, and qualify by taking the oath of office as provided by law in section nine hundred and four of the Political Code; shall elect one of their members President, and thereafter shall hold monthly meetings of said Board, and at other times and at such places as the said Board may determine. A majority of the Board, viz: four Directors, or more, shall constitute a quorum, when present at each meeting, for the transaction of business; and at all meetings of the said Board, there being a quorum present, a majority of the Directors so present shall have the power to act.

Monthly
meetings

Board of
Trustees
abolished

SEC. 6. The Board of Trustees and the office of School Trustee shall be abolished in said district, from and after the time the said Board of Education qualify as aforesaid.

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

CHAP. CXCVI.—*An Act requiring the County Treasurer of Sacramento County to make certain entries, in writing, in the Treasurer's register of claims or warrants against said county.*

[Approved March 11, 1876]

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

Treasurer to
make entry
concerning
unpaid
warrants

SECTION 1. The County Treasurer of Sacramento County is hereby required to make an entry, in writing, with red ink, in the Treasurer's register of warrants or claims against said county, on the line continuing from the numerical number of any warrant or claim he may heretofore have refused to pay, his reason for so doing, in as few words as he possibly can, and signing his name officially thereto; and no warrant or claim against said county having such entry made against it shall be paid by any subsequent Treasurer, unless by the judgment of a Court having competent jurisdiction.

Penalty for
violation

SEC. 2. Any violation of section one of this Act shall be sufficient cause for the removal of any subsequent County Treasurer of said county from his office.

SEC. 3. This Act shall take effect immediately.

CHAP. CXCVII.—*An Act to authorize the County of San Joaquin to issue bonds for the redemption of the bonds of said county which become due during the year eighteen hundred and seventy-six, and to provide for the payment of the same.*

[Approved March 11, 1876.]

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

SECTION 1. For the purpose of redeeming the bonds of the County of San Joaquin which become due during the year eighteen hundred and seventy-six, the Board of Supervisors of San Joaquin County are hereby authorized and empowered to issue bonds of said county to an amount not exceeding thirty thousand dollars. Said bonds shall be signed by the Chairman of the Board of Supervisors, attested by the Clerk of the Board, and countersigned by the County Treasurer, and shall be made payable at the office of the County Treasurer on the first day of July, eighteen hundred and eighty-six. Such bonds shall be consecutively numbered as issued, and shall bear interest at the rate of ten per cent. per annum, interest to be paid semi-annually at the office of said County Treasurer; and each bond shall have coupons attached for said interest, such coupons to be numbered, signed, attested, and countersigned as the bonds.

Supervisors to issue bonds.

Bonds to bear interest. Coupons.

SEC. 2. Whenever any of the holders of the bonds of said County of San Joaquin shall surrender to the Board of Supervisors of said county, any bond or bonds of said county that may become due during the year eighteen hundred and seventy-six; then the said Board of Supervisors shall issue and deliver to such holder or holders the bonds of said County of San Joaquin authorized by the first section of this Act, in an amount equal to the sum of money due on the bond or bonds so surrendered; *provided*, that in no event shall the bonds authorized by the first section of this Act be issued for greater amounts than the sums of money due on the bonds surrendered.

Surrender of old bonds for new.

SEC. 3. The Board of Supervisors shall cancel the bonds surrendered under the provisions of this Act, and shall keep a correct record of the same, giving the number, amount, and date of each, and the sum of money due on each, and from whom received; also, a correct record of all bonds issued and delivered under the provisions of this Act, giving the number, amount, and date of each, and to whom delivered, and when issued.

Surrendered bonds to be canceled.

SEC. 4. In addition to the taxes authorized by law to be levied in the County of San Joaquin, the Board of Supervisors of said county are hereby authorized and required to levy, in each and every year, a special tax to be known as the "Bond Redemption Tax, eighteen hundred and seventy-six," sufficient for the purpose of paying the yearly interest on the bonds issued under the provisions of this Act, and also one-tenth of the principal. The manner of levying and collecting said tax shall be the same as provided by law for

Bond redemption tax to be levied.

the levying and collecting other taxes, State and county. The Treasurer of said county shall keep said tax, when paid to him, separate and apart from other moneys in the treasury, and shall designate the same as the "Bond Redemption Fund, eighteen hundred and seventy-six;" and said fund shall be used for no other purpose than the payment or redemption of the bonds issued under the provisions of this Act, and the payment of the accruing interest thereon.

Treasurer to
redeem
bonds, when
and how.

SEC. 5. On the first Monday in February, eighteen hundred and seventy-seven, and annually thereafter, it shall be the duty of the Treasurer of the County of San Joaquin, from the money in his hands, in the fund mentioned in the last preceding section, to redeem the one-tenth of the first principal of the bonds that may be issued under the provisions of this Act, or such an amount of said bonds as the money in his hands in said fund will redeem, at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks immediately preceding said first Monday of February, by publication in some newspaper in his county for sealed proposals for the redemption of said bonds, at the time and place specified in said publication. The Treasurer shall, in the presence of such persons as choose to be present, open all proposals, and accept the lowest bids for the surrender of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than par value. The bids being equal, the preference shall be given to the smallest amount of bonds; the bids and amount of bonds being equal, each shall be accepted pro rata, or as nearly as possible. No bid, unless accompanied by the bonds proposed to be surrendered, shall be accepted by the Treasurer.

Treasurer to
advertise for
proposals.

Opening of
bids.

In case no
bids offered,
Treasurer to
redeem
bonds from
Loan Fund.

Interest,
when to
cease.

Redemption
of remaining
bonds.

Surplus
moneys to be
transferred

Payment of
bonds or
coupons.

Treasurer to
keep record.

SEC. 6. Should there be no proposals made for less than par value, as provided in the preceding section, then the payment of said Loan Fund on hand shall be made on said bonds, according to the number of their issue, of which the said Treasurer shall give four weeks' notice of the number of the bonds to be paid; after which time such bonds shall cease to draw interest; *and provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Treasurer to advertise in like manner, for a space of four weeks, for the redemption of all of the outstanding bonds issued under this Act; after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund, after the redemption of the whole of said bonds, shall be, by the said Treasurer, transferred to the General Fund of said county, and to be by him held subject to the order of said Board of Supervisors.

SEC. 7. Whenever the County Treasurer shall pay, or cause to be paid, any bond or coupon, under the provisions of this Act, he shall indorse on said bond or coupon so paid the date of redemption, and from whom redeemed, and the amount paid to redeem the same. He shall preserve in his office all bonds and coupons redeemed, and shall keep a record of the same, giving the number, date, and amount of each, and from whom received; and across each of the bonds

and coupons so redeemed he shall write the words "Canceled by me," and sign his name thereto as Treasurer.

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

CHAP. CXCVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CXCIX.—[See volume of *Amendments to the Codes.*]

CHAP. CC.—*An Act concerning roads and highways in Contra Costa County.*

[Approved March 11, 1876.]

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

SECTION 1. All public and private roads now used as such in the County of Contra Costa, and those heretofore declared or established by the Court of Sessions or Board of Supervisors of said county, or which may hereafter be so declared by the Board of Supervisors, are hereby established and declared to be public and private roads or highways respectively, as the case may be. Public roads or highways hereafter established shall not exceed the width of sixty feet, and private or by-ways not exceeding thirty feet. In case the survey of any public road or highway heretofore located, and now used as such, should have been lost, mislaid, and not have been made a part of the records of this county, the Road Overseer shall, upon the order of the Board of Supervisors, cause a resurvey of such road, which survey and field-notes shall be entered in the road records in like manner as roads hereafter established.

Roads and highways, public and private.

SEC. 2. Roads laid out and recorded as highways by order of the Board of Supervisors, are highways. Whenever any corporation owning a toll-bridge or a turnpike, plank, or common wagon road, is dissolved, or has expired by limitation or non-user, the bridge or road becomes a highway.

Corporation bridges and roads, when to become public.

SEC. 3. Roads laid out as provided in section two of this Act shall not be vacated or cease to be a highway, until so ordered by the Board of Supervisors.

SEC. 4. The Clerk of the Board of Supervisors must keep a book in which must be recorded, separately, all proceedings of the Board relative to each road district, including orders, laying out, altering, and opening roads; and in a

Clerk to keep records concerning roads.

separate book, a description of each road district, its overseers, its roads, highways, contracts, and all other matters pertaining thereto.

Right of way.

SEC. 5. By taking or accepting land for a highway, the public acquire only the right of way and the incidents necessary to enjoying and maintaining it, subject to the regulations in this and the Civil Code provided.

Construction of sidewalks.

SEC. 6. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors and the Overseers of Highways; and any person using such sidewalk with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

Damages to same.

Planting of trees on highway.

SEC. 7. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in regular rows, at a distance of at least six feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the row must not be less than six nor more than twelve feet from the boundary of the highway. Whoever injures any of them is liable to the owner or to the occupant for the damage which is thereby sustained.

Damages from injury.

Right of corporations to lay tracks, etc.

SEC. 8. Every gas, water, or railroad corporation has power to lay conductors and tracks through the public ways and squares in any city, village, or town, when it is established, with the consent of the municipal authorities thereof, and under such reasonable regulations as the authorities and the law prescribe.

Right of way, how acquired.

SEC. 9. The cases and manner in which railroad, plank-road, turnpike, and common wagon road corporations may acquire a right of way upon the public highways, are provided for in subsequent chapters of this Code, in Title Seven, Part Three of the Code of Civil Procedure, and under Title "Corporations" of the Civil Code.

SEC. 10. The Board of Supervisors of each county, by proper ordinance, must:

Supervisors to establish road districts.

First—Divide the county into a suitable and convenient number of road districts, but no district shall be formed of parts of two townships, and appoint therefor, annually, or whenever vacancies occur, Overseers, with power to remove for cause.

To lay out highways.

Second—Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this chapter provided.

Third—Abolish or abandon such as are unnecessary.

Right of way, how acquired.

Fourth—Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under Title VII., Part III., of the Code of Civil Procedure, and to pay therefor from the District Road Fund of the particular district in which said right of way was acquired.

Fifth—Levy a property road tax.

Property road tax.

Sixth—Order and direct Overseers especially in regard to work to be done on particular roads in their districts.

Seventh—Cause to be erected and maintained on the highways they may designate, mile-stones or posts, and guide-posts, properly inscribed.

Mile-stones, etc.

Eighth—Cause the road tax collected each year, after, in their discretion, setting aside twenty per cent. thereof, as hereinafter provided, to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate funds.

Collection of road tax.

Ninth—Audit and draw warrants on the funds of the respective road districts, when required to pay for right of way, or work, or improvements thereon.

Warrants to be drawn.

Tenth—Furnish to each Road Overseer a copy of this chapter.

SEC. 11. The road districts must be carefully and distinctly defined, described, and designated. Until such division as required in section ten is made, the road districts in the county must continue as they are at present defined. Road districts may be altered, changed, created, or modified by the Board of Supervisors, as occasion requires.

Road districts to be defined.

SEC. 12. Overseers of road districts receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer until superseded.

Overseers, bond and commission of.

SEC. 13. Road Overseers, under the direction and supervision, and pursuant to orders of the Board of Supervisors appointing them, must:

Duties of Overseers prescribed.

First—Take charge of the public highways within their respective districts.

Second—Keep them clear from obstructions, and in good repair.

Third—Cause banks to be graded, bridges and causeways to be made when necessary, keep the same in good repair, and renew them when destroyed.

Fourth—Make semi-annual reports, under oath, of all labor performed in his district, and how all road poll-tax and commutation moneys were expended, to the Board of Supervisors.

Fifth—Receive and present petitions for new roads, recommended [recommend?] or disapprove the same, and assist in laying them out.

Sixth—Collect all road poll-taxes in the mode provided for the collection of other poll-taxes, and faithfully account for and pay over the same.

Seventh—Pay over to his successors in office, or into the fund of his road district in the county treasury, all road moneys in his hands and unexpended at the end of his term.

Compensation of Overseers.

Eighth—Receive for his services, from money coming into his hands belonging to his road district, the sum of three dollars for each day's service performed by him, not to exceed three hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors.

Supervisors to set apart moneys for road purposes.

SEC. 14. From the property road tax collected from all sources, the Board of Supervisors may annually set apart a sum not exceeding twenty per cent. of the aggregate for general county road purposes, from which they may direct such amounts to be paid as may be found necessary for such general road purposes in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create a debt on any road district in excess of ten per cent. on the estimated amount of tax receipts from said district for the next ensuing year.

Road poll-tax.

SEC. 15. Every male inhabitant of a road district, over twenty-one and under fifty years of age, must pay, annually, to the Road Overseer, on demand, a road poll-tax of two dollars, in gold or silver coin.

Overseer to deliver lists to Clerk.

SEC. 16. Each Road Overseer must, within twenty days after being notified of his appointment and qualification, deliver to the Clerk of the Board of Supervisors a list of the inhabitants of his district liable for the road poll-tax therein. This list must be laid before the Board of Supervisors at their first meeting held thereafter.

Supervisors to levy property road tax.

SEC. 17. The Board of Supervisors must, each year, at or before the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway purposes which may be necessary for the ensuing year, over and above the road poll-tax, and must regulate and fix the amount of property highway tax, and levy the same thereby.

Poll-tax receipts.

SEC. 18. The Board of Supervisors must provide proper blank road poll-tax receipts, to be signed by the Clerk of the Board, and must deliver to each Road Overseer a number equal to the number of inhabitants of their respective districts liable for road poll-tax, take receipt therefor, and charge the road officer receiving the same therewith; but credit must be given to each Road Overseer for all unsold blank road poll-tax receipts returned to the Clerk of the Board of Supervisors.

Overseers to collect road poll-tax.

SEC. 19. Road Overseers must make out lists of the inhabitants of the road districts liable for road poll-tax, collect from each the sum of two dollars road poll-tax, and apply the same in the opening, maintenance, and repair of the highways and adjuncts in their respective road districts.

Same.

SEC. 20. The Road Overseers must, from time to time, add to the lists names of persons liable for road poll-tax who were omitted, or who have become inhabitants of his district since the original list was made, and enforce the collection of the road poll-tax, and apply the same as hereinbefore provided.

Levy and collection of property road tax.

SEC. 21. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when

the tax is by them levied for county purposes, and must not exceed forty cents on each one hundred dollars in value of taxable property. This property road tax, when levied, must be annually assessed and collected by the same officers and in the same manner as State and other county taxes are levied, assessed, and collected, and turned over to the County Treasurer for the use of the road districts from which it is respectively collected, except as hereinafter provided.

SEC. 22. Bridges crossing the line between cities or towns and road districts, must be constructed by the cities or towns, and the Road Fund of the road district into which such bridges reach, proportionally; *provided*, that the Board of Supervisors may order the whole expense of constructing or repairing said bridges out of the General Road Fund of the county.

Bridges, how constructed.

SEC. 23. Corporations, or other employers of residents in any highways district, are responsible for the road poll-tax assessed against their employes, and a notice to the employer or managing agent, requiring the payment of the road poll-tax of the employe, charges such employer or corporation with such road poll-tax.

Employers liable for employes' poll-tax

SEC. 24. Every Overseer must make to the Board of Supervisors, semi-annually, a written account, under oath, containing:

Oath of Overseers to contain.

First—The names of all persons liable for road poll-tax in his district.

Second—The names of all who have paid, and the amount received from them.

Third—The names of all delinquents, and the amount due from them.

Fourth—A full return, by items, of the amount of labor and money expended at each separate point; and the manner in which, and the time when the same was done.

Fifth—The number of road poll-tax receipts sold, and those returned unsold.

Sixth—An accurate account of every day he himself was employed, and the nature and items of the service rendered.

SEC. 25. Road Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of the report.

Overseers to turn over moneys.

SEC. 26. A failure to make a report as required, or to pay over, on the order of the Board of Supervisors, any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors.

Failure to report, penalty.

SEC. 27. Any ten inhabitants of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein.

Petitions may be made.

SEC. 28. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof, over what lands and

Petition must contain.

who the owners thereof are; whether the owners consent thereto, and if not, the probable cost of the right of way; the necessity for and the advantages of the proposed change.

Petitioners
to give bond.

SEC. 29. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all costs of viewing and surveying in case the prayer is not granted and the road finally not opened.

Supervisors
to appoint
Viewers.

SEC. 30. Upon filing such petition and bond the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

Duties of
Viewers

SEC. 31. The Road Viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the proposed alteration or new road over the most practicable route; notify the owners of land over which it passes of the proposed route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be had.

Viewers to
report to
Supervisors.

SEC. 32. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors:

First—The course, termini, length, and cost of construction of the proposed road.

Second—The estimate of damage to the owner of any land over which it is proposed to run the road.

Third—The names of land owners who consent to give the right of way, and their written consent thereto.

Fourth—The names of land owners who do not consent, and the amount of damages claimed by each.

Fifth—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

Sixth—They may also, in their judgment, or by order of the Board of Supervisors, report upon the feasibility and cost of any other route than that petitioned for, which would subserve the same purposes, and also report as to the necessity of a greater or practicability of a less width of said road petitioned for.

Compensa-
tion of
Viewers.

SEC. 33. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for services in running out and mapping the road, and making the plat and field notes, which must be filed when required, before he receives his compensation.

SEC. 34. The Board of Supervisors, on the coming in of the report, must fix a day for hearing the same; must notify the owners of land not consenting to give the right of way, of the hearing, by having written notice served on them personally, or on the occupant or agent of the owner, or if neither, by posting notice at the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed for the hearing; and must, on the day fixed, or to which it may be postponed or adjourned, hear evidence in proof from all parties interested for and against the proposed alteration or new road, ascertain and by order declare the amount of damages awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

Supervisors to hear report of Viewers; notice of hearing.

SEC. 35. If the Board approve the report, and there are no non-consenting land owners, the road may, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, and cause the Road Overseer to tender to such non-consenting land owners, the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway and be opened as before provided.

Approval of report, awards for damages.

SEC. 36. If any award of damages is rejected by the land owners, the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Third of the Code of Civil Procedure, against all non-accepting land owners, and when thereunder the right of way is procured the road must be declared a public highway, and opened as hereinbefore provided; but if any non-consenting land owner does not recover a greater amount of damages than shall have been allowed him by the Board of Supervisors, then he shall pay all costs and expenses incurred by any suit or other proceedings instituted in the matter.

Right of way, when award is rejected.

SEC. 37. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund of the district, on the order of the Board of Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between them.

Awards, how paid.

SEC. 38. All public highways must be at least fifty feet wide, except those now existing of a less width.

Width of highways.

SEC. 39. Any person or persons desiring to obtain a road for private convenience, and not intending the same for the use of the traveling public generally, shall present a petition to the Board of Supervisors, showing a specific description of said proposed road, giving the length, width, and description thereof, the names of all parties owning the land to be affected thereby, and also the conditions to be observed in respect to gates, fences, and other matters agreed upon. If said petition be accompanied by the written consent of all the parties interested in the land so to be crossed by the said road, the Board shall, by its order, declare such road a pri-

Private roads, mode of petitioning for.

vate or by-road; and said order, with the description, and also the consent of parties to said road, shall be recorded in the road record of the county. In case all parties owning lands on the line of said road do not agree as the location of said road, and their consent cannot be obtained, the same measures shall be taken, and the same laws shall apply, as provided in this Act for the location and establishment of public highways, except that it shall be necessary only for the person or persons desiring such private or by-road to petition the Board of Supervisors as herein in section twenty-seven provided. If there be no reasonable way in which the petitioner or petitioners can gain access to the public highway, or to the public schools of his district, other than by passage across the land of said non-consenting owners, and the said petitioner or petitioners execute and file with the County Clerk a sufficient bond, with two sureties, to be approved by the Supervisor of the township in which said road is sought to be established, conditioned for the faithful payment to the non-consenting owner, owners, or occupants under lease, of the land over which said road is to pass, if the petition be granted, of all damages that may be sustained from the temporary use thereof by said petitioner or petitioners, pending the final determination of the petition and proceedings had thereunder. The Road Overseer of said district shall thereupon order the said road temporarily opened. If the owner or owners, or person in possession of said land, shall refuse to temporarily open said private road in accordance with the Overseer's order, he or they shall be responsible in damages to the party or parties injured thereby, the amount to be determined by a proceeding in a Court of competent jurisdiction. In all cases where private roads are established or located, it shall be one of the conditions of the same that the erection of gates, repairs of roads, building of bridges, and all costs of maintaining the same, together with the costs of location, and damages allowed, if any, shall be paid by and become a charge against the parties seeking or desiring to have the said road so located, and that the road district shall be put to no expense on account thereof.

Overseer
may open
road.

Conveyance
or decree of
Court to be
filed.

SEC. 40. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed, and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described.

Crossing
railroads,
canals, etc.

SEC. 41. Whenever highways are laid out to cross railroads, canals, or ditches on public lands, the owners or corporation using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained, through the judgment of any Court, over any railroad, canal, or ditch, no

damages must be awarded for the simple right to cross the same.

SEC. 42. When the alteration of an old, or the opening of a new road, makes it necessary to remove fences on land given, purchased, or condemned by order of a Court for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner or occupant, or agent, or by posting the same on the fence, and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

Removal of fences, Overseer to give notice of.

SEC. 43. All public bridges not otherwise specially provided for, are maintained by the road district in which they are situate, the districts which they unite, and the county at large, in the same manner as highways, and under the management and control of the Road Overseer and Board of Supervisors; the expense of constructing, maintaining, and repairing the same being primarily payable out of the Road Fund of the district in the hands of the Road Overseer or County Treasurer, and from road poll-taxes.

Public bridges, how maintained.

SEC. 44. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county, or out of the General County Fund, or both; or they may levy a special bridge tax therefor, not exceeding one-fourth of one per cent. on the taxable property of the county, annually, 'til [until] the amount appropriated in aid is raised and paid.

Same.

SEC. 45. If the Road Overseer of one road district, after five days' notice from the Overseer of an adjoining district, to aid in the repair of a bridge in which each are interested, fails so to aid, the one giving notice may make necessary repairs, and must be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

Failure of Overseer to give aid.

SEC. 46. If the Overseer of any road district, chargeable with the repair of a bridge, fails to make the needed repairs after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situate, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the district chargeable therewith.

Neglect of Overseer, Board to order work done.

SEC. 47. When a bridge, the cost of which will exceed three hundred dollars, is necessary, any five or more freeholders of the road districts interested therein may petition the Board of Supervisors for the erection of such needed bridge. The Board must thereupon advertise such application, giving the location and other facts, for two weeks in a newspaper printed in the county; if none, then by posters, one at the proposed

Bridges, petitions for, notice of.

location, one at the Court-house, and one at some other public place in the county, and notify the Overseer to attend at a certain time and place to hear the application.

Hearing of petition.

SEC. 48. On the fixed day to hear the application, proof of the notice given being made satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for; if found to be so, the Board must determine the character of bridge to be constructed, prepare plans and specifications, invite bids, let the contract, and have the same erected, and provide for the payment therefor as herein provided.

Overseers' reports.

SEC. 49. Road Overseers must, in their official reports, give a full account of all bridges of which they have in whole or in part the charge and maintenance, those constructed or repaired, and the cost thereof, the amounts expended thereon, from what source derived, and the present and prospective condition thereof.

Responsibility of county.

SEC. 50. The county is responsible for providing and keeping passable and in good repair bridges and all public highways; and the Supervisors must appoint semi-annually a special meeting, at which the Road Overseers, on days set apart for their respective districts, to hear highway and bridge reports and complaints from officers and citizens, when such orders must be made and such action had regarding the same as the public welfare demands.

Encroachments.

SEC. 51. If any highway, duly laid out or erected, is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway.

Notice to remove same.

SEC. 52. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he reside in the county; if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days.

Penalty for failure.

SEC. 53. If the encroachment is not removed, or commenced to be removed and diligently prosecuted, prior to the expiration of the ten days from the service or posting the notice, the one who caused or owns or controls the encroachment forfeits ten dollars for each day the same continues unmoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

Action to abate nuisance.

SEC. 54. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, as also his costs in such action.

Overseer may recover damages.

SEC. 55. If the encroachment is not denied, but is not removed for five days after the notice is completed, the Road

Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also, for each day the same remained after the notice was complete, the sum of ten dollars, in an action for that purpose.

SEC. 56. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow to such extent as to remove the fences, and except as hereinafter provided; when so allowed, they must be erected and maintained at the expense of the owner or occupant at whose request, or for whose benefit, they were erected. If such expense is not paid, the gate must be removed as an obstruction. Gates, when allowable.

SEC. 57. Any one who leaves open such gate, or willfully and unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages. Trespas, damages for.

SEC. 58. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstructions or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code. Obstruction or injury to highway.

SEC. 59. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscriptions on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code. Same.

SEC. 60. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter till it is removed, and the cost of removal. Same.

SEC. 61. Whoever cuts down a tree so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway. Same.

SEC. 62. Road Overseers may put upon bridges under their charge notices that there is "five dollars fine for riding or driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to five dollars penalty for each offense. Injury to bridges, penalty for.

SEC. 63. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree planted or standing on any highway, forfeits twenty-five dollars for each such tree. Injury to trees, penalty for.

SEC. 64. All penalties or forfeitures given in this chapter, and not otherwise provided for, must be recovered by the Commissioner of Highways or Road Overseers of the respective road districts, and be applied on the highways in which they are collected. Penalties, how recovered and applied.

SEC. 65. When public highways are petitioned for, and the Viewers report more damages to the owners of the land, in consideration of the necessity of erecting fences along the line thereof, than the road district is able to pay from the Fences along highways, when Supervisors shall erect.

taxes derived from the provisions of this Act, the Board of Supervisors may lay out and establish the same, in the manner provided herein, and authorize the erection and maintenance of gates thereon; *provided*, that the owner or owners through whose lands such highways pass shall, in writing, waive all claim for damages against the county for the building of such fences, by reason of the opening of said highway, and the erection and maintenance of said gate thereon.

Owner to waive damages.

Trespass of stock on highways.

SEC. 66. It shall be unlawful for any public highway in Contra Costa County to be used for pasturage purposes, and any stock found trespassing thereon, in violation of this section, may be taken up by the Road Overseer of the road district in which such trespass is being committed, or by any citizen thereof, and placed in the possession of said Road Overseer, who shall proceed, in relation to the same, in the manner provided for the taking up, giving notice to owners, advertising, keeping, and sale, in an Act entitled "An Act to protect agriculture, and to prevent the trespassing of animals upon private property," approved March twenty-seventh, A. D. eighteen hundred and seventy-two.

SEC. 67. This Act shall take effect and be in force from and after its passage.

CHAP. CCI.—*An Act to amend an Act entitled "An Act concerning roads and highways in the Counties of Shasta and Trinity," approved March twenty-eighth, eighteen hundred and sixty-three.*

[Approved March 13, 1876.]

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

SECTION 1. Section four of said Act is hereby amended to read as follows: Section 4. Such Road Overseers shall be elected at the general election in the year eighteen hundred and seventy-six, and in the year eighteen hundred and seventy-seven, and at the general elections every two years thereafter, who shall qualify and take their office on the first Monday in December subsequent to their election, and those elected at the general election held in the year eighteen hundred and seventy-six shall hold the office for the period of one year from the date of their qualification, and those elected at the general elections held in the year eighteen hundred and seventy-seven, and every two years thereafter, shall hold their offices for the period of two years from the date of their qualification; and the Board of Supervisors shall have power, and it is hereby made their duty, to fill, by appointment, any vacancy that may occur in the office of Road Overseer, in any district of said county, for either fractional or full term.

Road Overseers, terms of.

Supervisors to fill vacancies.

SEC. 2. This Act shall apply to Trinity County only.

CHAP. CCII.—[See volume of *Amendments to the Codes.*]

CHAP. CCIII.—*An Act to attach a portion of Carson Creek School District, in the County of Sacramento, to Carson Creek School District, in the County of El Dorado.*

[Approved March 13, 1876.]

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

SECTION 1. All that portion of Carson Creek School District, in the County of Sacramento, bounded and described as follows: Commencing at the northeast corner of said district and running thence west one mile, thence south and parallel with the county line to a point one mile west of the southeast corner of said district, thence south one mile, thence east one mile, thence north one mile to said southeast corner of said district, thence along the county line to the place of beginning, is hereby attached to, consolidated with, and made a part of said Carson Creek School District of El Dorado County, for school purposes only, to hold school property, and enjoy all other rights and privileges in common as one school district.

Consolidation of district.

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

CHAP. CCIV.—*An Act to apply to the Counties of Fresno and Sutter the provisions of an Act entitled "An Act to transfer certain funds in the County of Kern," approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 13, 1876.]

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

SECTION 1. The provisions of an Act entitled "An Act to transfer certain funds in the County of Kern," approved March eighteenth, eighteen hundred and seventy-four, are hereby made applicable to the Counties of Fresno and Sutter, in this State; and the powers therein conferred, and the duties imposed, upon the Board of Supervisors of said Kern County, are hereby conferred upon the respective Boards of Supervisors of Fresno and Sutter Counties.

Application of Act.

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

CHAP. CCV.—*An Act to provide for the payment of a claim against the City of Santa Cruz.*

[Approved March 13, 1876.]

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

Common
Council to
levy tax to
pay claim of
Charles
Brown.

SECTION 1. It shall be the duty of the Common Council of the said City of Santa Cruz to levy and collect, in the manner prescribed by law for the collection of other taxes in said City of Santa Cruz, on the taxable property in said city, an amount sufficient to pay the judgment heretofore recovered against the Town of Santa Cruz by Charles Brown; *provided*, that a sufficient rate shall be levied to pay all of said judgment at or before the fiscal year, one thousand eight hundred and seventy-seven-eight (1877-8), not exceeding four cents on each one hundred dollars of taxable property in said city for any one year; *and provided further*, that the levy for the fiscal year one thousand eight hundred and seventy-six-seven shall be at least three cents on each one hundred dollars of taxable property in said City of Santa Cruz.

SEC. 2. This Act shall take effect immediately.

CHAP. CCVI.—*An Act to protect the public roads in Santa Clara County.*

[Approved March 13, 1876.]

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

Width of
wagon tires
defined.

SECTION 1. From and after the first day of May, eighteen hundred and seventy-eight, no person, being a resident of Santa Clara County, or if being a resident of some other county, is habitually engaged in teaming in said County of Santa Clara, shall use any cart or wagon on the public roads of said county, except as hereafter in this section provided. All carts and wagons, exclusive of wagons employed to carry passengers having iron axles, shall have tires as follows: If the axle be, in its vertical diameter, one and a half inches, the tire shall be two and a half inches wide; if one and three-quarters inches, the tire shall be three inches wide; if two inches, the tire shall be three and a half inches wide; if two and a quarter inches, the tire shall be four inches wide; if two and a half inches, the tire shall be four and a half inches wide; if over two and a half inches, the tire shall be five inches wide; or if the axle be of wood, then the tire shall be as follows: For wagons constructed to carry one and a half tons burden, the tire shall be two and a half inches wide; if to carry two tons, the tire shall be three

inches wide; if to carry two and a half tons, the tire shall be three and a quarter inches wide; if to carry three tons, the tire shall be three and a half inches wide; if to carry four tons, the tire shall be four inches wide; if to carry five tons, the tire shall be four and a half inches wide, and if over five tons the tire shall be five inches wide.

SEC. 2. Any person who shall violate any of the provisions of section one of this Act shall forfeit for each offense the sum of twenty-five dollars, to be recovered in the name and to the use of the Road Fund of said County of Santa Clara; and it shall be the duty of the Supervisors, ex officio Roadmasters, to prosecute actions for the recovery of all forfeitures.

Penalty for violation.

CHAP. CCVII.—*An Act to legalize the assessment, equalization, and levy of a tax for school purposes in Yuba School District, in Sutter County, and fixing the maximum rate of tax which may be levied for school purposes therein.*

[Approved March 13, 1876.]

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

SECTION 1. The assessment of the property in Yuba School District, in the County of Sutter, made in the month of November, in the year A. D. one thousand eight hundred and seventy-five, the equalization thereof, and the levy of a tax thereon by the Board of Trustees of said district for school purposes, are hereby legalized, confirmed, and rendered binding and valid, both in law and equity, against the persons and property assessed.

Assessment and tax levy confirmed.

SEC. 2. The maximum rate of tax levied in said school district in any one year, for school purposes, must not exceed one dollar on each hundred dollars of valuation.

School tax, maximum rate.

SEC. 3. This Act shall take effect and be in force on and after its passage, and all Acts and parts of Acts in conflict herewith are hereby repealed.

CHAP. CCVIII.—*An Act to amend an Act entitled an Act to re-incorporate the Town of Santa Rosa, approved March twenty-eighth, one thousand eight hundred and seventy-two, and the amendments thereto, and to incorporate the City of Santa Rosa.*

[Approved March 13, 1876.]

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

SECTION 1. The people of the Town of Santa Rosa shall be a body politic and corporate under the name and style of

Corporate name and powers.

the "City of Santa Rosa," and by that name shall have perpetual succession, and by that name may sue and defend in all Courts, make contracts, receive and hold property, sell, convey, donate for public use or authorize the disposition of the same, and by that name may do any and all acts which the said city has power to do under this Act of incorporation, or the Constitution and laws of the State of California; said city may have a common seal, and may alter the same at pleasure.

Corporate
limits
defined.

SEC. 2. The corporate limits of said City of Santa Rosa shall be as follows, to wit: Beginning at a point three-fourths of a mile due north of the northwest corner of Fourth and C or Mendocino Streets, thence due east three-fourths of a mile; thence due south one and one-half miles; thence due west to the westerly line of the San Francisco and North Pacific Railroad; thence along the westerly line of said railroad to the north bank of Santa Rosa Creek; thence westerly, following the meanderings of the north bank of said creek to the westerly line of a tract of land known as the Hewitt addition to the City of Santa Rosa; thence along the westerly line of said Hewitt's addition and the land of Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning.

Corporate
powers, in
whom
vested.

SEC. 3. The corporate powers of the City of Santa Rosa shall consist of a Mayor and six Councilmen. Any four Councilmen shall constitute a quorum for the transaction of business, and shall be known as the Common Council of the City of Santa Rosa. The meetings of said Common Council shall be at stated times and places established by ordinance, but they may be convened at any time by the Mayor, or in case of his absence or inability to act, by any four members of said Council. They shall assemble on the first Monday after their election, and take the oath of office. They shall keep a journal of their proceedings, and upon request of any member shall cause the yeas and nays to be taken and entered upon any question before them, and have the same entered upon the journal. Their proceedings shall be public. In case of vacancy by death, resignation, removal from the city, or otherwise, the remaining Councilmen shall have power and are required to fill such vacancy by appointment, entered upon their journal.

City officers,
terms of.

SEC. 4. The officers of said city shall be a Board of six Councilmen, a Mayor, Recorder, Treasurer, Street Commissioner, City Attorney, City Clerk, Marshal, and Assessor, who shall hold their offices for the term of two years, and until their successors are elected and qualified, except the Councilmen, who shall be elected for the term of four years. At the first election provided in this Act, six Councilmen shall be elected, three of whom shall hold their offices for two years, and three for four years. The terms of office of those elected at the first election shall be determined by lot. At every election thereafter three Councilmen shall be elected.

Election of.

SEC. 5. An election shall be held in said city for the elec-

tion of the officers mentioned in the last preceding section. The first election shall be held on the first Wednesday in April, A. D. eighteen hundred and seventy-six, and every two years thereafter on the same day. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days next preceding said election, and who are entitled to vote for members of the Legislature, shall be entitled to vote at all elections for officers of said city.

SEC. 6. The Common Council shall, by an order entered on their minutes, fix the place for holding city elections. They shall, by order entered on their minutes at least fifteen days before the day of election in each year, direct the City Clerk to post a notice of said election, and may also direct a like notice to be published in some newspaper published in said city, designated in said order, and shall, by like order, appoint one Inspector and two Judges of said election, who shall be qualified electors of said city. The City Clerk shall, after the entry of said orders, and at least ten days before the day of such election, post a notice of such election in three public places in said city; and if said order require, shall publish said notice in the newspaper designated in said order. Said notice shall designate the time and place of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the Inspector and Judges of said election. At nine o'clock A. M. of said day, said Inspector and Judges shall appear at the place of said election, but if either of said persons fail to appear and serve, the bystanders may elect some qualified elector to serve in the place of such absent officer or officers. The Inspector and Judges shall be sworn to the faithful performance of their duties, and shall appoint two Clerks, who shall also be duly sworn before entering upon their duties. The ballot-box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared by the Inspector and Judges, in the same manner as at State and county elections, and the returns shall be made to the City Clerk. The polls shall be opened at nine o'clock A. M., and closed at six P. M.

SEC. 7. The person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two elective city offices at one time. If two persons receive the same number of votes for any office, and an election be thereby prevented, the Common Council shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The said Inspector and Judges of Election shall, within five days after the election held on the first Wednesday in April, A. D. one thousand eight hundred and seventy-six, issue certificates of election to the persons elected at that election, but thereafter the Mayor shall issue the certificates of election to the persons elected, which certificates shall be attested by the Clerk. Immediately after counting the votes at each election, the officers of election shall deliver the election returns, properly certified, to the City Clerk. The terms of all officers elected under this Act shall commence on the Wednesday next fol-

Common Council to prescribe mode of holding elections.

Vacancies on Election Boards.

Certificates of election, how issued.

Terms of officers, bonds of.

lowing their election, and shall continue until their successors are elected and qualified. The Recorder, Treasurer, Street Commissioner, Marshal, Assessor, City Attorney, and City Clerk, shall, within ten days after their election, file their bonds, in such sums as the Common Council may determine, and take the oath of office indorsed on the bond, and file with the City Clerk. All official bonds shall be approved by the Mayor, who shall indorse his approval thereon. If any of said officers fail or neglect to file said bond or take said oath of office, within the time required, the Common Council may declare such office vacant and fill the same by appointment.

Removal
from office.

SEC. 8. The City Clerk or City Attorney may be removed for good cause by the Common Council, and another person appointed to the vacancy.

Contested
elections.

SEC. 9. Any person who has, at any election, received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice, in writing, on the person declared by said officers to be elected to said office, notifying that he will contest said election before the Common Council, and shall file a copy of said notice with the City Clerk. Said Common Council are directed to set a time and place to hear testimony, examine witnesses and the ballots cast for said office at said election, and determine between said contestants, which decision shall be entered on the minutes and shall be final and conclusive. If no certificate of election has been issued, they shall direct that a certificate issue to the person so found to be entitled to the office. If a certificate of election has been issued to the wrong person, they shall, by order on the minutes, declare such certificate null and void, and the person to whom the Common Council shall direct the certificate to be issued to shall be deemed to be the person elected.

Common
Council to
hear and
determine
contest.

Official
bonds, pen-
alties, etc.

SEC. 10. All official bonds shall be made payable to the City of Santa Rosa, in such penalties and with such sureties as the Common Council may, by order entered on the minutes, direct, and shall be conditioned for the faithful performance of the duties of the office, and for the payment to the City Treasurer of all moneys belonging to the city that may come into the hands of such officer, and with such other and further conditions as the Common Council may direct. Said Common Council may at any time, by an order entered on their minutes and the service of a copy thereof on any city officer who has given a bond, require of said officer an additional bond. If such officer shall, for the space of ten days after receiving such copy of said order, fail to file an additional bond that shall be approved by the Mayor, the Common Council may, by order entered on their minutes, declare his office vacant, and fill the same by appointment.

General
duties and
powers of
Common
Council.

SEC. 11. The Common Council shall have power to and it is hereby made their duty to make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary for the

purposes following: To prevent and remove nuisances within the limits of the city; to regulate or prohibit the storage of gunpowder, hay, and all other combustible materials; to prevent disturbances of the peace; to prohibit disorderly conduct; to license and regulate merchants and the sale of goods, wares, and merchandise, auctioneers, hotel-keepers, ordinaries, restaurants, taverns, bar-rooms, billiard tables, saloons, theatricals, circuses, shows, concerts, and all places of public entertainment and amusements; to license and regulate tippling-houses, dram-shops, hawkers, peddlers, pawnbrokers; to regulate or prohibit dance-houses, houses of assignation, bawdy-houses, houses of ill-fame, and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Common Council, or disturbances of a meeting thereof; to establish rules for the government of the proceedings of the Council; to regulate bonds of all city officers, except members of the Council; no Councilman to be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision; and to fix the amount and penalty thereof, and the number and qualifications of sureties thereon, and the conditions of said bond; to lay out, alter, establish, widen, construct, reconstruct, pave, gravel, grade, macadamize, repair, and keep in order all streets, alleys, sidewalks, crossings, gutters, and to establish, change, or alter grades of any streets, alleys, sidewalks, crossings, gutters, or to vacate any street or alley; to lay out, construct, establish, and build sewers and drains in said city; to provide for the prevention, by fine and imprisonment, of running at large in said city of horses, swine, sheep, goats, mules, and cattle, and for the impounding the same and selling them to pay expenses and costs of such impounding, keeping, and selling, and paying in such fines; to compel the muzzling or killing of dogs for non-payment of taxes, or for other reasons, and to authorize their being killed; to establish and regulate markets, booths, and stands; to prohibit slaughter-houses within said city, and the slaughtering of cattle, swine, sheep, and goats in said city; to establish and provide a police department, and regulate the proceedings and conduct of the same; to provide for and establish a chain-gang, and to regulate the proceedings and conduct of the same, and to authorize the working out of fines of persons committed to prison for violating the ordinances and regulations of the city; to provide for and establish a fire department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting streets and public grounds; to establish the manner of appropriating fines, penalties, and forfeitures for breaches and violations of ordinances and non-compliance therewith; to ordain, establish, and impose fines, penalties, and forfeitures for the breach or violation of any ordinance, or for non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offense above three hundred dollars, or the imprisonment for one offense for more than one hundred and fifty days; *and provided*, that such ordi-

General
duties and
powers of
Common
Council.

General
duties and
powers of
Common
Council.

nance may provide an alternative judgment, imposing a fine, and on failure to pay the same, imprisoning the person one day for each two dollars of such fine, or to cause the person to work for said city, and allow two dollars for each day's work on said fine; to provide for the removal of dirt, filth, and obstructions from the streets, alleys, sidewalks, and public square, parks, or places, and to punish for the depositing of stone, dirt, filth, offal, slop, garbage, and obstructions in the streets, alleys, sidewalks, public squares, parks, and public places; to define what shall be nuisances; to provide for the abating and removal of nuisances; to prevent and punish the depositing of dead animals, dirt, filth, offal, garbage in said city or in Santa Rosa Creek; to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases; to establish and provide hospitals, workhouses; to suppress and punish vagrants, mendicants, thieves, pickpockets, bawds, and prostitutes; to provide for fining owners of vicious dogs, and to kill such dogs; to license and regulate baggage wagons, hacks, cabs, carriages, express and job wagons; to provide for the measurement, weight, and sale of coal-oil, wood, and coal. The Common Council shall be the general agents of the city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof, and shall have power to make contracts; to levy a tax annually for general purposes on all property in the city subject to taxation, not exceeding one per cent. of the assessed value thereof, and to order the same collected; to order the collection of a street-tax annually of two dollars on each male person over the age of twenty-one years and under the age of sixty, residing in said city; to levy and order collected a tax not to exceed five dollars on each and every dog owned or kept within the city limits. And the Common Council may, by order entered on their minutes, and by notice of ten days previously given, in the same manner as notices of city elections are required to be given, submit, at any election, to the qualified electors within the city, the question of levying such other tax as may be required, specifying the rate and manner of voting; to expend the amount collected of the tax for such purpose as the Common Council may determine; to construct and keep in repair public cisterns and wells; to purchase and repair fire-engines, hose, and apparatus necessary for the use of the fire department; and to build, purchase, or rent buildings for the use of the city, or for the use of either of the departments of the city; to establish, purchase, contract for, build, regulate, and keep in repair a City Prison; to control, pay out, and expend the funds of the city; and to do any and all acts and things necessary to the proper performance of their duties under the charter. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

Restriction
of powers.

SEC. 12. The Common Council shall not contract any liability, either by borrowing money, issuing bonds, loaning the credit of the city, or contracting debts, which, singly or in the aggregate, with any previous debts or liabilities, shall

exceed the sum of five thousand dollars, over and above the amount in the treasury.

SEC. 13. All bills, claims, and demands against the city shall be plainly stated in writing, and verified by the oath of the claimant, or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim shall be filed by the City Clerk, who shall present it to the Common Council, and they shall allow or reject the same, in whole or in part. No bill, claim, or demand shall be allowed, in whole or in part, unless so made out and verified. No action shall be commenced against the said city, unless the bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until one month after such filing. Upon the expiration of said month, if such claim, bill, or demand shall not have been allowed, in part, by said Board, and suit shall thereafter be commenced, and no more is recovered against said city than the amount so allowed, no costs shall be allowed or recovered against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said month, the bill, claim, or demand, so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever. No action shall be commenced or maintained against said city for damages sustained by reason of the omission of said city to comply with its own ordinances or orders, or omissions to carry out or enforce the same. All bills, claims, or demands finally allowed shall become and be a debt against said city, and shall be paid in the usual course of business, unless otherwise ordered. Warrants on the treasury shall be ordered drawn for all bills, claims, or demands so allowed, which warrants shall be signed by the Mayor, countersigned by the Clerk, and numbers [numbered] and payable in the order of their numbers.

Claims and demands against city, how made out and verified.

Limitation of claim.

Actions for damages.

SEC. 14. The Mayor shall preside over all meetings of the Common Council at which he is present. He shall have no vote except in case of a tie. In his absence a President pro tem. shall be chosen. The Mayor, or in his absence the President pro tem., shall sign all warrants drawn on the city treasury, and shall sign all written contracts entered into by said city, as such Mayor or President pro tem. The Mayor and the President pro tem. shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands, and shall execute and acknowledge all conveyances and other instruments in writing required of said city. The Mayor shall be a conservator of the peace, and shall take care that the laws of the State and ordinances of the city shall be duly enforced.

Duties of Mayor.

SEC. 15. The Recorder of said city, as to crimes and offenses committed within the limits of said city, shall have like criminal jurisdiction as now is or may hereafter be conferred by the laws of this State on Justices of the Peace, and all the laws of this State relating to the jurisdiction of Justices of the Peace in criminal cases, to the processes issued by

Powers and duties of Recorder; jurisdiction, salary, fees.

Powers and
duties of
Recorder;
jurisdiction,
salary, fees.

them, the trial of such cases, holding to bail, committing to prison, and appeals and other matters connected with such criminal cases, and all laws hereafter passed relating thereto, shall, as to crimes and offenses committed within the limits of said city, be applicable to said Recorder and the jurisdiction and practice of and in his Court, substituting in said law the word Recorder for the word Justice. The Recorder shall also have jurisdiction over all breaches and violations of city ordinances and non-compliance therewith; to fine and imprison persons adjudged guilty of such violations or non-compliance with said ordinances, or violations of the laws of the State, in the manner provided by law or the ordinances of the city. Such imprisonment shall be in the City Prison, or the County Jail of Sonoma County. Appeals to the County Court may be taken from judgments in prosecutions for breaches and violations of, or non-compliance with said city ordinances, as in other criminal prosecutions, and the like proceedings had therein. He shall have power to administer oaths and affirmations, take and certify affidavits and depositions to be used in any Court or proceeding in this State, and to certify the same. He shall have power to take and certify the acknowledgments of all persons to deeds, mortgages, and all other instruments of writing required by law to be acknowledged. None of the powers herein granted shall be taken from the Recorder by any general law, unless he is expressly mentioned and included therein. He shall have a seal, on which shall be engraved the arms of the State and the words "Recorder of the City of Santa Rosa." He shall affix said seal to all acknowledgments and certificates made by him. All process issued by him shall be executed by the City Marshal or his deputy, or by any Constable of the Township of Santa Rosa, or by the Sheriff of Sonoma County or any of his deputies. The Recorder shall keep a docket and a record of his proceedings, in the same manner and form as is required of Justices of the Peace. For all oaths, affirmations, affidavits, depositions, acknowledgments, and certificates taken or made by him, the Recorder shall receive the same fees as a Notary Public. In all criminal proceedings, not for breach, violation of, or non-compliance with a city ordinance, he shall be entitled to the same fees as Justices of the Peace, and collected in the same manner. In proceedings for a breach or violation of any city ordinance, he shall receive such fees, or such salary as the Common Council may determine by ordinance. All fines and penalties imposed and collected in criminal proceedings shall be paid into the city treasury. Such payments shall be made at the end of every quarter of the fiscal year of said city. The Recorder shall keep a full and clear statement and account of all moneys received and paid, and shall, at the end of each quarter, file with the City Clerk a statement showing, item by item, the receipts and expenditures of such quarter, so far as the said city is concerned. All fines, penalties and forfeitures shall be first paid to the Recorder and by him paid into the city treasury, except he may retain and pay out the fees of the City Attorney and

Fees and
salary.

Marshal, should any be allowed, and retain any that may be due him as fees. The Recorder shall have the same power and jurisdiction to hear, try, and determine suits for the collection of delinquent taxes of the city that a Justice of the Peace now has in the collection of delinquent State and county taxes, and shall use the same process, collect and receive the same fees, and proceed in all things in the same manner. And all laws now applicable to said Justices, and all amendments which may hereafter be made in the collection of taxes, shall be applicable to said Recorder. In case of the absence of the Recorder from the city, or of his inability to act in any case, any Justice of the Peace of Santa Rosa Township shall have the same authority and power to act as the Recorder.

SEC. 16. The department of the police of said city shall be under the direction and control of the City Marshal, and for the suppression of any riot, public tumult, disturbance of the peace, resistance or violation of the laws of the State or public authorities, in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter be conferred upon Sheriffs by the laws of the State, and shall be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order and protection. He shall execute and return all process issued and directed to him by any legal authority, and shall have authority to arrest on view persons violating any law of the State or ordinance of the city; and it shall be his duty to bring before the Recorder any person violating or non-complying with any law or ordinance of the city which shall come to his knowledge, and take bonds or deposit for such appearance. He shall collect all taxes levied by the Common Council, except as is herein further provided. He shall, at the expiration of any month, pay to the city treasury of all taxes and other funds of said city collected by him during said month, deducting therefrom his fees for collecting the same. But the Common Council may, in lieu of fees or commission, provide for the payment of a salary, which shall be in lieu of any other compensation. Upon payment of the money, he shall file with the Treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax list, give his receipt for the same to the City Clerk, and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all city licenses and collect the same. He shall have charge of the City Prison and prisoners, and of any chain-gang or prisoners at work under any judgment or fine imposed by the City Recorder. He shall, for service of any process, receive the same fees as Constable of Santa Rosa Township. He may appoint, subject to the approval of the Common Council, one or more deputies, who shall have the same power and authority as himself, and for whose acts he and his bondsmen

City Marshal,
duties and
compensation of

shall be responsible. The Common Council shall fix their compensation. The City Marshal may, with the concurrence of the Mayor, when deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only.

Duties of
City
Treasurer

SEC. 17. It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor and countersigned by the City Clerk. He shall make quarterly settlements with the City Clerk. He shall be allowed as full compensation one per cent. of all moneys received and paid out by him, which per cent. shall be credited in his settlement with the City Clerk. Upon each quarterly settlement he shall file a statement of his account with the City Clerk.

Duties of
Street Com-
missioner.

SEC. 18. It shall be the duty of the Street Commissioner to ascertain and enter complaints before the Recorder of all breaches or violations of, or non-compliance with any ordinance relating to or concerning streets, sidewalks, alleys, and public grounds. He shall, under the supervision and direction of the Common Council, have the general supervision and care of all streets, sidewalks, alleys, sewers, and public grounds. The Common Council may, by ordinance, further establish and define his duties.

Duties of
City Clerk.

SEC. 19. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the Common Council and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book marked, "Records of the Common Council." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Marshal's Account," in which he shall charge the City Marshal with all tax lists delivered to him and all licenses delivered to him. He shall credit the Marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the Treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book marked "City Attorney's Account," and shall therein charge the City Attorney with all delinquent tax lists delivered him, and shall credit him with money paid and delinquent taxes returned. He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordi-

nance is a true and correct copy of an ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been posted or published according to law. Said record copy shall be prima facie evidence of the contents of the ordinance, and of the passage and publication of the same, and shall be admissible as evidence in any Court or proceeding. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The Clerk shall provide and keep an index to each of the foregoing books, sufficiently comprehensive to enable a person readily to ascertain the matters contained therein. He shall also keep a book marked "Demands and Warrants," in which he shall copy every demand filed against the city, and shall state therein, under the copy, the final disposition made of the same, and if the same is allowed and a warrant is drawn, he shall state the number of the warrant and dates; he shall also index the same. Upon the completion of the assessment roll of any of the taxes of the city, and the levying of the tax, he shall apportion the taxes on said roll, and shall make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be liable, and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He shall take and certify affidavits of demands against the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City Clerk of the City of Santa Rosa." He shall make a quarterly statement in writing, showing the receipts and expenditures of the preceding year, and a full statement of the financial affairs of the city, which shall be published. He shall perform such other services as may be required by law or the ordinances of the city.

Duties of
City Clerk.

Deputy.

SEC. 20. It shall be the duty of the Assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and all proceedings relating thereto, shall be in conformity with the laws now in force regulating County Assessors, except as the same may be otherwise provided in this Act. 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 City Clerk on or before the first Wednesday in August in each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of said city, over the age of twenty-one years and under the age of sixty, and shall verify said list with his oath, and shall thereupon, at the time of making the assessment, collect the street tax from each of said persons liable, and note the payment on said list. He shall, also, at said time, make a list of all dogs owned or kept

Duties of
Assessor.

within the city, with the names of the owners or keepers, which shall be verified by his oath, and shall, at the time of making the assessment, collect the tax levied upon each dog, and shall, on or before the first Monday in August of each year, deposit said assessment and said lists with the City Clerk. The Assessor may appoint a deputy, and shall be allowed three dollars per day for his services and three dollars per day for the deputy; *provided*, the amount paid the Assessor and deputy shall not in the aggregate exceed three hundred dollars per annum. The Assessor or deputy shall have power to administer oaths and affirmations in the performance of their duties.

Deputy.

Salaries.

Duties of
City
Attorney.

SEC. 21. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute in all cases of violations of the city ordinances or non-compliance therewith, and shall represent the city in all suits in which the city may be a party. He shall have power, in his official capacity, to sign informations or charges against persons violating or non-complying with any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaint. He shall collect the delinquent taxes in the manner hereinafter provided, and shall receive such compensation as may be fixed by ordinance.

Quorum.

Form of
ordinance.

SEC. 22. Four members of the Common Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and shall have power to bring in absent members. Three members of the Common Council must concur in every vote, except on the question of adjournment. All ordinances shall be signed as nearly as may be in the following form, viz: In Common Council, finally passed this _____ day of _____, A. D. _____. Attest: _____, City Clerk. Approved this _____ day of _____, _____, Mayor of the City of Santa Rosa. Ordinances shall commence as follows, viz: "The Common Council of the City of Santa Rosa do hereby ordain as follows." All ordinances shall be published in some newspaper in Santa Rosa, at least one time, or posted in three public places in said city, and shall be in force ten days after such publication or posting.

Board of
Equaliza-
tion.

SEC. 23. The Common Council shall meet at their usual place of holding meetings, on the second Monday of 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. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is raised. The corrected list for each tax shall be the assessment roll for said tax for said year. The City Clerk shall act as Clerk to the Board of Equalization, and shall certify to said list as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

SEC. 24. The fiscal year of said city shall commence on the first day of May of each year, and end on the last day of April of the ensuing year, which said year shall be of the same number of the year of our Lord, of the first two-thirds thereof. The taxes of said city shall be annually:

Fiscal year defined.

First—A general tax on all the property in the city subject to taxation, not exceeding one per cent. of the assessed value thereof, for general purposes.

Annual taxes.

Second—A street tax of two dollars on each male person over twenty-one years of age, and under sixty years of age, residing in said city.

Third—A tax not to exceed five dollars on each dog owned or kept in said city.

Said taxes shall be due to said city on said property, and from the owners thereof, and from said persons, and shall become a lien upon the real estate chargeable therewith, from the first Monday of May preceding the levy, and until paid, and such liens shall take precedence of all mortgages or other liens, of whatever nature or kind, except the lien for State and county taxes. And the tax upon personal property shall be a lien upon the real estate of the owner from and after said date.

Tax liens.

SEC. 25. The Common Council shall fix the rate of city taxes, designating the number of cents on each hundred dollars, and also the amount to be assessed on each dog, and the street tax.

Rate of tax.

SEC. 26. The City Clerk shall make out the tax list and certify to the same, and deliver said tax list to the City Marshal, and take his receipt therefor. The City Marshal shall thereupon proceed to collect said taxes, but shall not collect any taxes on said tax list after the third Monday of November next following its receipt, and all taxes not then paid shall be delinquent. After the close of the day on said third Monday of November, there shall be added to the taxes of each person delinquent, the sum of twenty per cent. on said delinquent taxes, which shall be collected in the same manner as such delinquent tax. The City Marshal shall make out immediately thereafter, a list of all delinquent taxes, observing the same form as the assessment list, and shall verify the same with his oath, and deposit it with the City Clerk. The City Clerk shall immediately place said list in the hands of the City Attorney, and take his receipt therefor. The City Attorney shall proceed to collect said delinquent taxes, penalties, and costs of such collection, by suit in the proper Court, in the name of the City of Santa Rosa, the Court to be determined by the amount and the relief sought. If within the jurisdiction of a Justice of the Peace the suit shall be brought before the Recorder of the city, or any Justice of the Peace in Santa Rosa Township. Other actions shall be commenced and prosecuted in the District Court, within and for the County of Sonoma. The complaint in all such actions may be in the following form: State of California, County of Sonoma, ss. The City of Santa Rosa vs. A B, and (if there be real estate), the following real estate and improvements, (describing the property). The City of Santa Rosa by C D,

Tax lists, collection of.

Action against delinquent property.

Action
against
delinquent
property.

City Attorney, complains of the said A B, and also the following real estate and improvements (description of property, if there be any), and for cause of action says: that between the first Monday of ———, A. D. ———, and the ——— Monday of ———, A. D. ———, in the City of Santa Rosa, State of California, the Assessor of said city did duly assess and set down upon an assessment roll, the real and personal property in said city subject to taxation; that said assessment roll was, by the Board of Equalization of said city, duly equalized as provided by law; that said A B was then and there the owner of, and then was duly assessed to him said property (real estate or personal property and improvements, as the case may be), situate in said city, and that upon such property there has been duly levied, for the fiscal year ending ———, A. D. ———, a city tax amounting in the whole to ——— dollars, all of which, remaining due and unpaid on the ——— Monday ———, A. D. ———, became delinquent, and the penalty of twenty per cent. on the amount of said tax became also due said city, and remains unpaid. Wherefor the plaintiff prays judgment against the said defendant A B, for the sum of ——— dollars, gold coin of the United States, being the whole amount of said tax and penalty; and a separate judgment against said real estate and improvements for said sum of ——— dollars, gold coin, and for the costs in this action laid out and expended, including an attorney's fee as prescribed by law, and for such other and further orders and judgments as may be equitable and just. ——— C D, City Attorney. The delinquent tax list of the original assessment roll, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency property assessed, the amount of taxes due and unpaid, and that all the forms and requirements of law, in relation to the levy and assessment of said taxes, have been complied with. The Code of Civil Procedure of this State, so far as the same is consistent with the provisions of this Act, is hereby made applicable to the proceedings to collect taxes.

Assessments
to unknown
owners.
summons,
how served.

SEC. 27. If any real estate or improvements in said city, upon which taxes or assessments remain unpaid, have been assessed to unknown owners, or to a person not the owner, who disclaims title or interest, the person liable to pay such taxes may be sued by a fictitious name, and service of summons in such case may, by order of the Court or Judge, be made by posting a copy of the same at the Court-house door, in said city. The service of summons shall be complete at the expiration of three weeks from the posting of said copy, and the service shall be treated as if made in the county. Service of summons may also be made in the same manner, by order of the Court or Judge, when the person or persons to whom such property has been assessed cannot be found within the city, and such fact shall appear by return of the officer to whom summons in such case has been given. Proof of posting may be made by the affidavit of the officer posting the summons. The sum of one dollar shall be allowed for posting such summons, to be collected as costs in the ac-

tion. Summons upon the property may be served by delivering a copy to the occupant personally, or if the premises be unoccupied, by posting a copy in some conspicuous place upon it, and such service shall be deemed completed upon such delivery and posting, and the time of pleading shall expire at the end of ten days therefrom. It shall not be necessary in any action, criminal or civil, to plead at length this Act or any ordinance of the Common Council, but it shall be sufficient to refer to such ordinance by its title.

SEC. 28. It shall be expressed in the judgment rendered in any case for the collection of taxes, that the amount recovered is for taxes due said city, which shall also be recited in the execution issued thereon, and the person against whom the judgment shall be obtained, and against whom the execution shall be issued, shall not be entitled to claim any property as exempt from levy and sale under said execution. Judgments.

SEC. 29. Any deed derived from the sale of property under judgment and execution, under the provisions of this Act, shall be equally conclusive against the true owner of such property, whether the property shall be assessed to him or not, or the action be prosecuted against him by his own or a fictitious name. Deed to be evidence of ownership.

SEC. 30. All officers shall perform such services as may be required under the provisions of this Act without the payment of fees in advance; but they may charge and receive to their own use such fees as are allowed in similar cases, provided such fees are collected of the defendant; and in no case shall the city be liable for the services so rendered. The Common Council may, however, by ordinance, prescribe any other mode of collecting delinquent taxes or assessments in addition to that prescribed by this Act, if consistent with the Constitution and laws of this State. Fees, etc., non-liability of city.

SEC. 31. To enforce the collection of the street tax and dog tax herein authorized, the Assessor may seize so much of any and every species of personal property whatever, owned or claimed by any person liable to pay any such tax, or property or money in the possession of, or due from, any other person, and belonging to any such person refusing or neglecting to pay such tax, as will be sufficient to pay such tax and costs, and may sell the same at any time or place, upon giving verbal notice of one hour previous to such sale; and any person indebted to another liable to pay any such tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person after service upon him by the Assessor of a notice in writing, stating the name or names of the person or persons so liable and owing such tax; and such debtor may deduct the amount thereof from such indebtedness. The Assessor, after having deducted the tax for which such property was sold and the costs herebefore provided, shall return the surplus of the proceeds to the owner. A delivery of the possession of the property by the Assessor to the purchaser at any such sale shall be a sufficient title in the purchaser, without exacting a certificate of purchase thereof of the Marshal; *provided*, that the Collection of taxes on personal property.

Common Council may, at their discretion, provide any other legal mode of enforcing the payment of said taxes.

Opening,
widening,
etc., of
streets;
surveys to be
made.

SEC. 32. The Common Council, whenever a petition signed by twenty-five citizens of said city, praying for the establishing, laying out, extending, widening, altering, or opening of any street, lane, alley, or public square in said city, shall have been presented to them, shall, if the establishing, laying out, extending, widening, altering, or opening so prayed for shall be deemed by them a public necessity, cause a survey to be made of such proposed street, lane, alley, or public square; said survey shall be reported to said Common Council and shall be filed by the City Clerk; said survey shall be accompanied with a diagram map showing the location of such proposed street, lane, alley, or public square, and the boundaries of the lands of each owner whose lands are proposed to be taken; and for the purpose of making such survey the surveyor shall have the right to enter upon all lands necessary to make the same.

City Clerk to
give notice
of petition.

SEC. 33. Upon filing of said survey and diagram, the City Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed and such survey and diagram made and filed, and also a statement that proceedings shall be instituted for the condemnation of such land for public purposes; said notice shall be served on each of the owners of said land by the City Marshal, by giving such owner a copy thereof, or by posting a copy thereof in a conspicuous place on the land of such owner, proposed to be taken. If the owner of said land shall not donate the same to the city for the purpose, or if said city shall not purchase the same for said purpose, the City Attorney shall file in the Clerk's office of the County Court, in the County of Sonoma, a petition in the name of said city, stating all the material facts in the case and praying for the condemnation of said land for said purposes. The County Court shall have jurisdiction to hear and determine the case.

Hearing of
petition.

SEC. 34. The persons in the occupation of said lands, or of any part thereof, and persons having or claiming any right, title, interest, or estate in or to said lands, or in or to any part thereof, whether named in the petition or not, may appear and be heard in the same manner as if they had been named in the petition. All persons having or claiming any interest in said lands, or in any part thereof, shall answer, stating specifically their interest therein.

SEC. 35. The provisions of Title Seven, Part Three, of the Code of Civil Procedure, and all amendments relating to eminent domain, shall be applicable to proceedings under this charter, except as otherwise herein provided.

Grading,
construct-
ing, etc.,
petition for.

SEC. 36. When the owners of two-thirds of the property fronting on any street, alley, or avenue, desire to improve the same, by filling, grading, constructing, reconstructing, graveling, paving, or planking the same; constructing, reconstructing, or building sewers or sidewalks, and shall petition the Common Council to that effect, the said Common Council shall cause such improvements to be made, as requested, at the expense of all the owners of property fronting the street,

alley, sidewalk, avenue, or sewer, divided among them in proportion to the number of feet front owned by each; and provided, that when the owners of a major part of the property fronting on any portion of a street, alley, sidewalk, avenue, or sewer, lying between any two cross-streets, shall desire to improve the same, as above mentioned, it shall be done in the same manner, and the expense shall be borne by all the owners of property fronting on that portion of the street, alley, sidewalk, or avenue thus improved, in proportion to the number of feet front owned by each. Whenever the owners of a major part of the property fronting on any street, alley, sidewalks, avenue, sewer, or portions of the same, shall have petitioned the Common Council to improve the same, as above provided, they may, if they see fit, within five days after the opening of the bids for the performance of said work, notify the Common Council of their intention to make such improvements themselves, and in such case they shall be permitted to do so at the contract price, on giving a good and sufficient bond, with the same conditions which would be required of a contractor.

Owners may make improvements at contract price.

Sec. 37. Whenever any petition shall be presented to the Common Council, provided in the preceding section, it shall be the duty of the Common Council to cause an immediate survey of the proposed improvements to be made by a competent surveyor, who shall in specifications give the proper grade, and the amount of excavation or filling required in front of each lot, or if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling and grading the sidewalk. Upon the approval of the survey and specifications of the surveyor by the Common Council, they shall order the said improvements, as petitioned for, to be made, and shall advertise for making the same in accordance with the specifications, and shall let the contract to the lowest responsible bidder, reserving to themselves the right to reject any and all bids.

Council to order survey of proposed improvements.

Letting of contract.

Sec. 38. The assessment for any such improvements shall be made by the Street Commissioner, and in making such assessment he shall apportion the aggregate expense among the several property owners on the line of improvement, in proportion to the number of front feet on said line respectively owned by them. But the crossings of streets shall not be charged to the property fronting such improvements. The city shall pay for such crossings. Any person dissatisfied with the assessment made by the Street Commissioner, may appeal therefrom, within ten days, to the Common Council, whose decision shall be final.

Assessment by Street Commissioner.

Sec. 39. Every assessment made on the adjacent lands for the improvements of any street, alley, avenue, sidewalk, or for building sewers, according to the provisions of this Act, shall, from and after the making of such assessment, be a lien upon the land so assessed, and each and several parcels thereof, and shall take precedence of all other liens or incumbrances whatever, except taxes due the city or the State and county, and shall have the force of a judgment and execution against the same; and such lands, or parcels thereof,

Street assessments a lien upon land.

Property may be sold. may be sold for the payment of the sums and amount so assessed thereon; *provided, however*, that no sale shall be made until at least thirty days shall have elapsed from the presentation of the bill or account to the owner or agent of the property if known, as herein provided, if such owner or agent be known; and if he be not known, or is a non-resident of the county, until a notice to such person, containing a description of the property and the assessment, and that the same would be sold, shall have been published for one week, in some newspaper printed in Santa Rosa, thirty days previous to such sale, specifying the time and place thereof. Said land shall be sold for said assessment and costs, and the expenses of collecting the same. Proof of all notices shall be a copy of the same with the affidavit of the officer making the same, or some person for him, that they have been made or published, as the case may be, which shall be full and sufficient proof of the fact. Lands sold for any assessment under the provisions of this Act shall be subject to redemption in the same manner and under the same conditions as real estate sold under execution under the laws of the State, and not otherwise; *provided*, that the redemption money and costs shall be paid into the city treasury for the use of the purchaser.

Redemption of lands sold.

Contractor to collect from owners.

SEC. 40. Whenever any such improvement shall have been made as aforesaid, the Common Council shall make out from the assessment thereon, separate bills or accounts against the respective lands, and their owners liable for the same, certifying such bills or accounts under the hand of the City Clerk, and deliver the same to the contractor, and shall be made payable to the contractor or assigns, who shall be authorized to collect and receipt for the same if paid on presentation by him, and if not paid, they shall be returned to the Common Council, and thereafter shall bear two per cent. interest per month. The Common Council shall proceed to collect the same, and interest and costs, by a sale of the property as hereinbefore provided, but in case of any deficiency arising on any sale of land as aforesaid, the owner shall be personally liable for such deficiency.

Payment, how enforced.

Deed, how made.

SEC. 41. In every case of sale there shall be a deed made to the purchaser by the officer making such sale, at the expiration of six months from the time of such sale, if there be no redemption as herein provided; such deed shall be made in the name of the owner, if known, and if not known, in the name of the city, by such officer, in virtue of the authority by which he makes the same. The City Marshal shall make all sales under the provisions of this Act.

Bills and accounts assignable.

SEC. 42. The bills and accounts herein shall be assignable, and the persons to whom they shall be issued, or his assignee, may, in any Court having jurisdiction, bring his action to enforce the collection of the same, and two per cent. per month interest, and all costs against the persons liable; or such owner of such bills or accounts may foreclose the lien created against the property affected, by suit in the District Court of Sonoma County, and all persons having any interest in the property shall be made parties, or if their

names be unknown, they may be proceeded against under fictitious names. All such actions shall be regulated by the Code of Civil Procedure.

SEC. 43. The city shall in no case be liable to any contractor, or any other person, for making any of the improvements hereinbefore mentioned, except for the street crossings. City not liable.

SEC. 44. The Common Council shall have power and jurisdiction to order the construction, reconstruction, repairing, grading, graveling, paving, or planking any street, alley, avenue, or sidewalk, and the construction and building of sewers, and to pay the costs or expenses thereof, or a portion of such costs and expenses, when, in the opinion of the Common Council, the public convenience seems to require it, with or without petition for that purpose. But the Common Council shall have power and authority to apportion and assess the cost and expense, or such part as the Council may deem just, of the improvements in this section specified, and enforce the collection of the same by assessments on the lots and lands fronting such street, alley, avenue, or sidewalk, or property benefited by such repairs or improvement, in the same manner and with like effect as is provided in the seven preceding sections. The bills or accounts for the work in this section provided shall be made in the name of the City of Santa Rosa, which shall have the same power and authority to enforce the collection of the same as the contractor; and the city may assign said bills or accounts to the person doing the work or making the improvements, in payment in full or in part for such work or improvements; and the person to whom they may be assigned shall thereupon release the city from further liability for the amount for which said bills or accounts may have been assigned. Street work, when may be ordered by Council.

City may assign accounts.

SEC. 45. The bills and accounts for the work or improvements herein provided shall be prima facie evidence that all the acts and proceedings required by this Act to be done have been fully performed and complied with, and that the work has been done according to the specifications and contract; but the person against whom they are issued or liable for their payment may, in his defense to the same, show that the work or improvement has not been done according to the contract. When said bills or accounts have been satisfied or paid, the City Clerk shall note such payment in the assessment roll, when requested so to do by the person interested in the property charged. Evidence of work having been done.

SEC. 46. When the Mayor approves an ordinance or by-law, he must sign his name thereto, with the date of his approval; but if he disapproves such ordinance or by-law, he shall return the same to the City Clerk with his objections. The Clerk shall deliver said ordinance or by-law to the Common Council, who shall reconsider the vote by which it passed, and thereupon proceed to vote upon the same again; and if said ordinance then receive as many as five votes in its favor, it shall then become valid and be in full force as though it had received the approval of the Mayor. If the Mayor neglects to approve any ordinance or by-law for Ordinances, approval of; when valid.

ten days after its passage, it shall become valid the same as if it had been approved by him.

Payments
due in coin

SEC. 47. All taxes, penalties, interest, and costs due the city, and all assessments, costs, penalties, and interest for work or improvements in the city, shall be paid in the gold or silver coin of the United States.

Vacancy in
office

SEC. 48. If, from any cause, a vacancy should occur in any city office, the Common Council shall, by appointment, fill such vacancy until the next city election, when such vacancy shall be filled by election for the unexpired term.

SEC. 49. When not herein otherwise provided the Common Council shall fix the compensation of any city officer, except for members of the Council or the Mayor.

SEC. 50. All ordinances in force in said city, and all proceedings commenced, had, or maintained, shall not be affected by the passage of this Act.

SEC. 51. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 52. This Act to take effect and be in force from and after its passage.

CHAP. CCIX.—*An Act to authorize the Board of Supervisors and County Treasurer of the County of Stanislaus to transfer certain funds.*

[Approved March 13, 1876.]

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

Supervisors
to transfer
certain
funds

SECTION 1. The Board of Supervisors of the County of Stanislaus are hereby authorized to transfer, from the Swamp and Overflowed Land Fund to the County General Fund of said county, such amounts as they may deem proper; *provided*, the amounts so transferred shall be returned to the said Swamp and Overflowed Land Fund whenever it shall be required therein; and the County Treasurer of said county is hereby authorized to make the aforesaid transfer and repayment whenever the Board of Supervisors may direct.

SEC. 2. This Act shall take effect immediately.

CHAP. CCX.—*An Act concerning roads and highways in the County of Sonoma.*

[Approved March 13, 1876.]

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

Highways
defined.

SECTION 1. Highways are roads, streets, or alleys, and bridges, laid out or erected by the public, or, if laid out or erected by others, dedicated or abandoned to the public.

SEC. 2. Roads laid out and recorded as highways by order of the Board of Supervisors, and all roads used as such for a period of five years, are highways. Whenever any corporation owning a toll-bridge or a turnpike, plank, or common wagon road, is dissolved, or discontinues the road, or has expired by limitation, the bridge or road becomes a highway.

Same

SEC. 3. A road not worked or used for the period of five years, ceases to be a highway for any purpose whatever.

SEC. 4. The Clerk of the Board of Supervisors must keep a book, in which must be recorded separately all proceedings of the Board relative to each road district, including orders laying out, altering, and opening roads; and, in a separate book, a description of each road district, its Overseer, its roads, highways, contracts, and all other matters pertaining thereto.

Road records, how kept.

SEC. 5. By taking or accepting land for a highway, the public acquires only the right of way and the incidents necessary to enjoying and maintaining it. All trees within the highway, except only such as are requisite to make or repair the road or bridges on the same land, are for the use of the owner or occupant of the land.

Rights acquired

SEC. 6. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors and Overseers of Highways, and any person using such sidewalks with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

Sidewalks, trespass upon

SEC. 7. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees on the side contiguous to his lands. They must be set in regular rows, at a distance of at least six feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the rows must not be less than six nor more than twelve feet from the boundary of the highway. Whoever injures any of them is liable to the owner or to the occupant for the damages which is thereby sustained, and is guilty of misdemeanor.

Planting of trees on highways.

SEC. 8. Every gaslight or water corporation has the power to lay conductors through the public ways and squares in any city, village, or town, when it is established with the consent of the municipal authorities thereof, and under such reasonable regulations as they may prescribe.

Powers of corporations.

SEC. 9. The Board of Supervisors are authorized and required:

Powers and duties of Supervisors

First—To divide the county into a suitable and convenient number of road districts, which shall conform to township lines, as far as practicable, and appoint annually, or whenever vacancies occur, Overseers therefor, with power to remove them at pleasure.

Second—To caused to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Act provided.

Third—To cause to be recorded as highways such roads as have become such by usage or abandonment to the public.

Fourth—To abolish or abandon such as are unnecessary.

Fifth—To contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under the law regulating the exercise of the power of eminent domain, and to pay therefor from the District Road Fund of the particular district.

Sixth—To levy a property tax, not exceeding fifty cents on each one hundred dollars of taxable property, each year, to be assessed and collected at the same time and manner, and by the same officers, as other taxes are assessed and collected, for the use of the road districts respectively from which the same is collected.

Seventh—To order and direct Overseers specially in regard to work to be done on particular roads in their district.

Eighth—To cause to be erected and maintained on the highway, guide-posts properly inscribed.

Ninth—To cause the road tax collected each year to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate funds.

Tenth—To audit and draw warrants on the funds of the respective road districts when required to pay for right of way or work or improvements thereon.

Road districts to be described.

SEC. 10. The road districts must be defined and described and designated by the municipal towns or townships; until such division is made, the road districts of the County of Sonoma must continue as they are at present defined. Road districts may be altered, changed, created, or modified by the Board of Supervisors, as occasion requires.

Supervisors to appoint Overseers

SEC. 11. Overseers of road districts receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed, and oath taken indorsed thereon, or a certified copy thereof, constitute a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer until superseded.

Oath and bond.

Duties of Overseers.

SEC. 12. Road Overseers must:

First—Take charge of the public highways within their respective districts.

Second—Keep them clear from obstructions, and in good repair.

Third—To make semi-annual reports of all labor performed in his district, and how all moneys were expended, to the Board of Supervisors, under oath.

Fourth—Receive and present petitions for new roads, recommend or disapprove the same, and assist in laying them out.

Fifth—Sue for or otherwise, in the mode provided for the collection of poll-taxes, to collect all road poll-taxes and fines, and faithfully account for and pay over the same; *provided*, that inhabitants of incorporated cities shall not be

liable to pay a road poll-tax, except as prescribed in their Acts of incorporation.

Sixth—To pay over to his successor, or into the fund of his road district in the county treasury, all road moneys in his hands unexpended, and reported as such.

Seventh—To receive for his services, out of his Road District Fund, the sum of three dollars for each day's services actually performed by him, to be audited and allowed by the Board of Supervisors, which shall not exceed four hundred dollars in any one year. Overseer's salary.

SEC. 13. From the road tax collected from all sources the Board of Supervisors may annually set apart a sum, not exceeding twenty per cent. of the aggregate, for general county road purposes, from which they may direct such amounts to be paid as may be found necessary for such general road purposes in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. Road tax, for general purposes.

SEC. 14. The Board of Supervisors must each year, prior to the meeting at which they are required to levy the property tax for county purposes, from information derived from the Overseers, or otherwise, estimate the probable amount of work in value to be done in each road district, and regulate their annual levy of property and road poll-tax thereby. Estimate of work.

SEC. 15. When a road poll-tax is levied throughout the county, it must not exceed three dollars per capita annually, and road tax receipts must be prepared, signed by the Auditor and Treasurer of the county, and issued to the respective Road Overseers, who must collect the same in money. Road poll-tax, amount of.

SEC. 16. The annual property tax for road purposes must be levied by the Board of Supervisors, at their session when the tax is by them levied for county purposes. Property tax.

SEC. 17. It shall be the imperative duty of the Assessor, when assessing the property for other taxes, to assess all property in each road district, when the owner of such property resides in a township other than that in which the property is situated. Assessment.

SEC. 18. Corporations or other employers of residents in any highway district, are responsible for the road poll-tax assessed against their employes, and a notice to the overseer or managing agent charges such employer or corporation with such road poll-tax. Liability of employer.

SEC. 19. Every Overseer must make to the Board of Supervisors, semi-annually, a verified written account, containing a description of the repairs, work, and labor done, and improvements made, and the general condition of his district. Overseers to report.

SEC. 20. The Board of Supervisors may require special reports from Road Overseers when deemed proper, showing all the facts relative to their several road districts.

SEC. 21. The Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of report, and a statement of all moneys in the county treasury to the credit of their road districts. Overseers to turn over moneys.

Penalty for
failure.

SEC. 22. For a failure to make a report as required, or to pay over to the order of the Board of Supervisors any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bonds, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors.

Petitions.

SEC. 23. Any inhabitant of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein.

Petitioners
to give bond.

SEC. 24. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road finally not opened.

Supervisors
to appoint
Viewers.

SEC. 25. Upon filing such petition and bond the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

Supervisors
may order
road
abandoned

SEC. 26. The Board of Supervisors may order any road to be altered or discontinued on such petition, indorsed and recommended by the Overseer of the district, or without such recommendation, if deemed necessary, and thereafter such road, so ordered to be, is discontinued or abandoned, and all alterations so directed must be made by the Overseer of the district.

Compensa-
tion of
Viewers.

SEC. 27. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for services in running out and mapping the road, and making the plat and field notes, which must be filed, when required, before he receives his compensation; no payment to be made till the services are certified to as necessary and actually performed by the Road Overseer of the district.

Hearing of
report of
Viewers,
notice of

SEC. 28. The Board of Supervisors, on the coming in of the report, must fix a day for hearing the same; must notify the owners of land not consenting to give the right of way, of the hearing, by having written notices served on them personally, or on the occupant or agent of the owner, or if neither, by posting notice at the most conspicuous place on the lands, or left at the owner's, agent's, or occupant's residence, ten days prior to the day fixed for the hearing, and must, on the day fixed, or to which it may be postponed or adjourned, hear evidence and proof from all parties interested, for and against the proposed alteration or new road; ascertain, and by order declare, the amount of damage awarded to each non-consenting land owner, and declare the report of the

Viewers to be approved or rejected. If the report is rejected, the road must not be altered or opened.

SEC. 29. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, and cause the Road Overseer to tender to such non-consenting land owners the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

Approval of report, road to be opened.

SEC. 30. If any award of damages is rejected by the land owners, the Supervisors must, by order, direct the Overseer of the district to deposit the amount of damages with the County Treasurer, and proceed to open the road the same as though the damages had been received. Should the party or parties rejecting the damages awarded bring suit to recover other or more damages, and fail to recover, he shall pay all costs of suit, and the Treasurer shall, on order of the Court, place the money to the credit of the road district from which it was originally drawn.

Concerning damages.

SEC. 31. In all cases of altering old or laying out new roads, the Road Overseer may agree and contract for the right of way when the amount to be paid therefor does not exceed one hundred dollars. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund of the district on the order of the Board of Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between them.

Right of way, when Overseer may contract for.

SEC. 32. All highways must be at least fifty feet wide, except those now existing of a less width.

Width of highways.

SEC. 33. Private or by roads may be opened for the convenience of one or more residents of any road district, in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened; the person or persons for whose immediate benefit the same is required paying the damages awarded to land owners, and keeping the same in repair; such private roads to be laid out to the nearest practicable point to a county road.

Private roads.

SEC. 34. In all cases, when consent to use the right of way for a highway is voluntarily given, purchased, or condemned, and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described.

Right of way, conveyance to be filed.

SEC. 35. Whenever highways are laid out to cross railroads, canals, or ditches, on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public high-

Crossing of railroads, canals, etc.

way may cross the same without danger or delay. And when the right of way for a public highway is obtained, through the judgment of any Court, over any railroad, canal, or ditch, no damages must be awarded for the right to cross the same.

Removal of
fences.

SEC. 36. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased, or condemned, by order of a Court, for road or highway purposes, notices to remove the fences must be given by the Road Overseer to the owner, his occupant or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the costs of such removal, and the fence material may be sold to satisfy the judgment.

Public
bridges, how
maintained.

SEC. 37. All public bridges not otherwise specially provided for are maintained by the road district in which they are situated, the districts which they unite, and the country at large, in the same manner as highways, and under the management and control of the Road Overseers and the Board of Supervisors; the expense of constructing, maintaining, and repairing the same, being primarily payable out of the Road Fund of the district in the hands of the Road Overseer or County Treasurer.

General
Road Fund,
when
available

SEC. 38. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county, or out of the General County Fund, or both, or they may levy a special bridge tax therefor, not exceeding one-fourth of one per cent. on the taxable property of the county, annually, till the amount appropriated in aid is raised and paid.

Cost of
bridge, not
to exceed.

SEC. 39. No bridge, the cost of construction or repair of which will exceed the sum of one hundred dollars, must be constructed or repaired, except on order of the Board of Supervisors. When ordered to be constructed or repaired, the Board of Supervisors may let the same, by contract or otherwise, as the emergency of the case requires.

Failure of
Overseer to
give aid

SEC. 40. If the Road Overseer of any road district, after notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each are interested, fail so to aid, the one giving notice may make the necessary repairs, and be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

Overseers'
reports,
concerning
bridges.

SEC. 41. The Road Overseers must, in their official reports, give a full account of all bridges of which they have, in whole or in part, the charge and maintenance, those constructed or repaired, and the cost thereof; and the amounts, and from what source derived, expended thereon, and the present and prospective condition thereof.

Encroach-
ments.

SEC. 42. If any highway, duly laid out or erected, is encroached upon by fences, buildings, or otherwise, the Road

Overseer of the district may make an order in writing, signed by him, requiring the encroachment to be removed from the highway.

SEC. 43. Notice must be served on the occupant or owner of the land, or person causing or owning the encroachment, or left at his residence if he resides in the county, if not it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days. Notice of same

SEC. 44. If the encroachment is not removed, or commenced to be removed and diligently prosecuted, prior to expiration of the ten days from the service or posting the notice, the one who caused, or owns, or controls the encroachment, forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same. Penalty for failure to remove

SEC. 45. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or to permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance, and if he recover judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, as also his costs in such action. Overseer may bring action

SEC. 46. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also, for each day the same remained after notice was complete, the sum of ten dollars, in an action for that purpose. Overseer to remove at owner's expense

SEC. 47. No gates must be allowed on any public highway duly laid out, except by permission of the Board of Supervisors. Gates

SEC. 48. Any one who leaves open such gate, or willfully or unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages. Trespass, damages

SEC. 49. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided by law for misdemeanor. Penalty for obstructing

SEC. 50. Whoever removes or injures any guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided by law for misdemeanor. Injury to guide-posts

SEC. 51. Any person may notify the occupant or owner of any inclosed lands from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction immediately. If it is not so removed, the owner or occupant is liable to a penalty of five dollars for every day thereafter till it is removed, and the cost of removal. Removal of trees, etc

Injury to
bridges

SEC. 52. The Road Overseers may put upon bridges under their charge notices of a fine of five dollars for riding or driving on such bridges faster than a walk. Whoever thereafter rides or drives faster than a walk on such bridge is liable to a fine of five dollars for each offense.

Injury to
trees.

SEC. 53. Whoever maliciously digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree, planted and standing on any highway, forfeits twenty-five dollars for each tree, and is guilty of a misdemeanor.

Forfeitures,
how applied.

SEC. 54. All penalties and forfeitures given in this chapter, and not otherwise provided for, must be recovered by the Road Overseers of the respective road districts, and be applied on the highways on which they are collected.

Overseers to
collect road
poll-taxes.

SEC. 55. The Road Overseer must collect the road poll-tax from every male inhabitant within his road district over the age of twenty-one years, disabled persons excepted; and it shall be their duty to commence proceedings before any magistrate in their respective district against any person liable for road tax and declining to pay the same. Evidence of not being liable for the same shall be the production of a road poll-tax receipt, in their name, for the year in which it is claimed by the Road Overseer to be due.

Employer to
give names
of employes
to Overseer.

SEC. 56. It shall be the duty of every inhabitant to give the names and number of persons in his or her employ to the Road Overseer upon his application. A failure to do so renders them liable to a fine of not less than ten dollars nor over twenty-five dollars, in an action brought against them before any magistrate in his district, with cost of suit.

Debt
restricted.

SEC. 57. No debt or liability of any kind must be created on any road district, or on the General Road Fund of the county, in excess of ten per cent. of the anticipated receipts of the district or of the General Road Fund of the county for the ensuing year.

SEC. 58. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they conflict, are hereby repealed.

SEC. 59. This Act shall take effect and be in force from and after its passage.

CHAP. CCXI.—*An Act to authorize the Board of Supervisors of Santa Barbara County to build a jail and hospital in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.*

[Approved March 13, 1876.]

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

Supervisors
to issue
bonds.

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized and empowered to issue bonds of said county for the erection of a jail and hospital at the county seat of said county, for any amount not exceeding

twenty thousand dollars, bearing interest at the rate of ten per cent. per annum. Coupons for the semi-annual interest shall be attached to each bond, and said bonds and coupons shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said county.

SEC. 2. The bonds authorized to be issued by the provisions of this Act shall be due and payable in the gold coin of the United States, at the Treasurer's office of said county, on the first day of July, A. D. one thousand eight hundred and eighty-six. How payable.

SEC. 3. All coupons for interest, when paid, shall have the word "Canceled" written across the face of the same, with the date of said payment, by the County Treasurer, who shall deliver them to the County Auditor, taking his receipt therefor; said County Auditor shall file and preserve such coupons, and upon the books of his office record the transaction. Coupons, how canceled.

SEC. 4. For the purpose of paying the interest on the bonds authorized to be issued by this Act, the Board of Supervisors of said county shall, at the time of levying county taxes in each year, levy a special tax on all the real and personal property in said county sufficient to pay the interest on the bonds then outstanding, as said interest falls due. Said tax shall be assessed and collected in the same manner as other county taxes, and by the County Treasurer set apart as a special fund to be known as the "Jail and Hospital Bond and Interest Fund," and it shall be the duty of the County Treasurer to pay said coupons out of said fund as the same shall fall due. Bond and Interest Fund.

SEC. 5. If the special tax authorized by section four of this Act shall be insufficient to pay all the interest due in any one year, then the County Treasurer shall pay the same out of the "County General Fund," and he shall retain on hand sufficient of such fund to meet such payments. If there is a surplus produced by such special tax, the County Treasurer shall transfer the same to the said County General Fund. General Fund, when to be used.
Surplus.

SEC. 6. At the time of levying the county taxes for the fiscal years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, the Board of Supervisors of said county shall levy and cause to be collected, a tax sufficient to pay the whole amount of said bonds; the tax to be levied and collected under the provision of this section shall be assessed and collected as other county taxes, and by the County Treasurer set apart as a special fund, to be known as the "Jail and Hospital Bond Redemption Fund." Bond Redemption Fund.

SEC. 7. On or before the said first day of July, A. D. one thousand eight hundred and eighty-six, the County Treasurer shall redeem said bonds at par value; *provided*, that [if] any of said bonds be not presented to the County Treasurer on said first day of July, one thousand eight hundred and eighty-six, for payment, the same shall cease to bear any further interest. Bonds, when redeemable.

SEC. 8. The Board of Supervisors are authorized to sell said bonds at par value without notice, but in case said Board of Supervisors fail to do so at a regular meeting, said Board Supervisors to sell bonds; manner of sale.

shall cause an order to be entered, directing the sale of a specified amount of bonds, and shall cause to be inserted in a newspaper published in Santa Barbara County, and also, in one published in the City and County of San Francisco, a notice that sealed proposals will be received by the Board of Supervisors of Santa Barbara County for the purchase of said bonds, said notice to be published once a week for four successive weeks, and shall state the time and place for the opening of said proposals; at the time and place named in said notice, the Board of Supervisors shall publicly open said proposals, and award the purchase of said bonds to the highest responsible bidder; *provided*, the Board may reject any and all bids; *and provided*, that nothing but gold coin shall be received for said bonds. A full and complete record shall be kept by the Board of Supervisors of the number, date, and amount of each bond, and of all proceedings thereto. But none of said bonds shall be sold for a less sum than ninety-five per cent. of their par value.

Proposals for purchase.

Proceeds of bonds, how applied.

Supervisors to defray expense of issuing bonds.

Compensation of Treasurer and Auditor

SEC. 9. The proceeds of the sale of said bonds shall be paid into the county treasury, and be by the Treasurer set apart as a separate fund to be known as the "Jail and Hospital Fund," and shall be expended under the direction of the Board of Supervisors for the exclusive purpose of building a jail and hospital for the use of said county.

SEC. 10. The Board of Supervisors are hereby authorized to appropriate a sum not exceeding five hundred dollars, out of the General Fund of Santa Barbara County, for the payment of the necessary expenses attending the preparing of the aforesaid bonds and publishing the notices required by the provisions of this Act. In the event of the County of Santa Barbara being divided into two or more counties after the passage of this Act and before the maturity of said bonds, the county in which said jail and hospital are situate, after said division, shall assume and pay all bonds, with the interest on the same, that remain unpaid at the time of the division of said county as above referred to.

SEC. 11. The County Treasurer and County Auditor shall be entitled to receive, out of the General Fund of said county, such compensation for the services required to be by them performed under this Act, as the Board of Supervisors shall deem just and proper.

SEC. 12. This Act shall take effect immediately.

CHAP. CCXII.—*An Act to amend an Act entitled an Act in relation to the government of the County of Sacramento, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved March 13, 1876.]

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

Salary of County Assessor.

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The Assessor of Sacra-

mento County, elected under the provisions of this Act, shall receive an annual salary of fifteen hundred dollars, and the same commissions for the collection of poll-taxes as is now allowed to other Assessors under the provisions of thirty-eight hundred and sixty-two of the Political Code, as amended and approved March thirtieth, eighteen hundred and seventy-four.

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

CHAP. CCXIII.—*An Act concerning certain reclamation districts in San Joaquin County.*

[Approved March 14, 1876.]

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

SECTION 1. Reclamation District Number Two Hundred and Nine, as formed by the Board of Supervisors of San Joaquin County, is hereby legalized, ratified, and confirmed. Action of Supervisors confirmed.

SEC. 2. Reclamation District Number Two Hundred and Twenty-three, as formed by the Board of Supervisors of San Joaquin County, is hereby legalized, ratified, and confirmed. Same.

SEC. 3. The Board of Supervisors of San Joaquin County, on the presentation to them of a petition signed by the land owners representing two-thirds of the acreage in Reclamation District Number Two Hundred and Twenty-three, asking the division of the said district into two parts and describing the proposed division line, are hereby authorized and directed to insert in a newspaper published in Stockton, a notice stating the object of the petition, the proposed division line, and the time and place of hearing. Thereupon, the said Board shall hear the petition and all the land owners who desire to be heard, and shall determine the matter. The Board may either approve the division line as proposed in the petition, or may modify or refuse the same; and in case of the approval of the petition with such proposed or modified line, shall enter an order on their minutes stating such approval and describing the lands assigned to the two several districts. The order shall be recorded in the office of the County Recorder of San Joaquin County, and a certified copy be sent to the Register of the State Land Office, who shall assign a number to each of said districts and return the numbers to the said Recorder, and thereafter the said districts shall be known by such numbers. Each of said districts shall then elect Trustees, make by-laws, and proceed with the reclamation of the lands within their respective limits in the manner provided in Article II., Chapter I., Title VIII., Part III., of the Political Code. Assessments may be levied in each of said districts for the work which has heretofore been done on their respective sides of the division line so established.

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

Division of district, petition for.

Hearing of petition.

Order of Board, where recorded.

Election of Trustees, etc.

CHAP. CCXIV.—*An Act to ratify and confirm Ordinance Number Forty-seven, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twentieth day of January, eighteen hundred and seventy-six; and Ordinance Number Forty-eight, passed by the Common Council of the City of Santa Barbara, and approved by the Mayor of said city, on the twenty-seventh day of January, eighteen hundred and seventy-six.*

[Approved March 14, 1876.]

Ordinance,
provisions of.

SECTION 1. Whereas, the Common Council of the City of Santa Barbara passed an ordinance, which was approved by the Mayor of said city on the twentieth day of January, eighteen hundred and seventy-six, which ordinance is in the words and figures following: Ordinance number forty-seven. In relation to city blocks numbers eighty-eight and eighty-nine, and the Plaza Alameda. The Common Council of the City of Santa Barbara do ordain as follows: Section one. Whereas, city blocks numbers eighty-eight and eighty-nine were set aside as part of the Plaza Alameda by a city ordinance, approved April twenty-ninth, one thousand eight hundred and fifty-three, and by a city ordinance, approved August fifth, one thousand eight hundred and fifty-five, and by a city ordinance, approved August ninth, one thousand eight hundred and fifty-six; and whereas, it was provided by an ordinance of the Town of Santa Barbara, approved March fifteenth, one thousand eight hundred and sixty-eight, that blocks numbers seventy-three and seventy-four should compose the Plaza Alameda; and whereas, block number eighty-eight was, on the twenty-fifth day of April, one thousand eight hundred and sixty-eight, conveyed by the Town of Santa Barbara to Antonio Arellanes for a valuable consideration, and block number eighty-nine was, on the thirteenth day of July, one thousand eight hundred and sixty-eight, conveyed by said town to Emanuel R. Den for a valuable consideration; and whereas, said Arellanes and Den, and their successors, have been in the quiet and peaceable possession of said blocks for more than five years, and have held the same under said conveyances; and whereas, said blocks numbers eighty-eight and eighty-nine are not required for said Plaza Alameda, or for the public uses; and whereas, the parties claiming said blocks, under the conveyances aforesaid, purchased in good faith and for valuable considerations: Be it therefore ordained, that city blocks numbers eighty-eight and eighty-nine shall not be included within the Plaza Alameda; and the dedication of said blocks numbers eighty-eight and eighty-nine for the purposes of a plaza, or for any public purposes or uses whatever, is hereby revoked; and the aforesaid conveyance made by the Town of Santa Barbara, or the officers thereof, to Antonio Arellanes, on the twenty-fifth day of April, one thousand eight hundred and sixty-eight, of block number eighty-eight, and the aforesaid conveyance made by the Town of Santa Barbara, or the officers thereof, to Emanuel

R. Den, on the thirteenth day of July, one thousand eight hundred and sixty-eight, of block number eighty-nine, are hereby confirmed. Section two. The provisions of all ordinances, so far as they conflict with this ordinance, are hereby repealed. Passed and approved this twentieth day of January, eighteen hundred and seventy-six. Jarrett T. Richards, Mayor; F. N. Gutierrez, City Clerk. (Seal.) It is therefore enacted, that said ordinance is hereby ratified and confirmed, and the dedication of blocks numbers eighty-eight and eighty-nine, in the City of Santa Barbara, to the public uses, is hereby revoked; and the conveyance made by the Town of Santa Barbara to Antonio Arellanes on the twenty-fifth day of April, one thousand eight hundred and sixty-eight, of said block number eighty-eight, and the conveyance made by the Town of Santa Barbara to Emanuel R. Den on the thirteenth day of July, one thousand eight hundred and sixty-eight, of said block number eighty-nine, are hereby confirmed.

Confirma-
tion of
ordinance.

SEC. 2. Whereas, the Common Council of the City of Santa Barbara passed an ordinance, which was approved by the Mayor of said city on the twenty-seventh day of January, eighteen hundred and seventy-six, which ordinance is in the words and figures following: Ordinance number forty-eight. In relation to city blocks numbers thirty-six, fifty, fifty-eight, fifty-nine, one hundred and ten, one hundred and twenty-seven, one hundred and ninety-seven, two hundred and fifteen, and two hundred and eighty-six, and Plaza Granada, Alameda, Colon, Mesa, or Washington and Playa. The Common Council of the City of Santa Barbara do ordain as follows: Section one. Whereas, city blocks numbers thirty-six, fifty, fifty-eight, fifty-nine, one hundred and ten, one hundred and twenty-seven, one hundred and ninety-seven, two hundred and fifteen, and two hundred and eighty-six, were by three city ordinances, approved as follows: April twenty-ninth, eighteen hundred and fifty-three; August fifth, eighteen hundred and fifty-five; August ninth, eighteen hundred and fifty-six, set aside as follows, to wit: Blocks numbers thirty-six and fifty, with the name of Plaza de la Granada; blocks numbers fifty-eight and fifty-nine, to be called the Alameda; blocks numbers one hundred and ten, and one hundred and twenty-seven, to be called the Plaza de Colon; blocks numbers one hundred and ninety-seven and two hundred and fifteen, with the name of the Plaza de la Mesa, in one of said ordinances, and as Plaza de Washington, in the two other of said ordinances; and block number two hundred and eighty-six, with the name of Plaza de la Playa; and whereas, the Common Council of the City of Santa Barbara and the Trustees of the Town of Santa Barbara did afterwards revoke the dedication made by said ordinances, and conveyed all of said blocks, for valuable considerations, to the following-named persons, to wit: Blocks numbers thirty-six and fifty, to Juan Dornalechi, on the twenty-third day of March, eighteen hundred and sixty-eight; blocks numbers fifty-eight and fifty-nine, to Pedro P. Massini, on the twenty-third day of March, eighteen hun-

Same.

Confirmation of ordinance.

dred and sixty-eight; blocks numbers one hundred and ten and one hundred and twenty-seven, to Antonio Camargo, on the seventh day of September, eighteen hundred and sixty-seven; blocks numbers one hundred and ninety-seven and two hundred and fifteen, to Pablo de la Guerra, on the twenty-third day of March, eighteen hundred and sixty-eight; and block number two hundred and eighty-six, to Valentine W. Hearne, on the nineteenth day of August, eighteen hundred and fifty-six; and whereas, said Juan Dornalechi, Pedro P. Massini, Antonio Camargo, Pablo de la Guerra, and Valentine W. Hearne, and their successors, have been in the actual possession of said blocks from the dates of the conveyances aforesaid, and have made valuable improvements thereon, and have held quiet and peaceable possession under said conveyances for more than five years; and whereas, said blocks, nor any of them, have ever been used as plazas, or are needed or required for the same, or for any public use whatever; and whereas, the parties now claiming said blocks, or any parts thereof, purchased in good faith and for valuable consideration, and claim ownership under and by virtue of the aforesaid conveyances made by the said city and town as aforesaid; be it therefore ordained, that the said dedication of said blocks, or any part thereof, made by the said ordinances, or either of them, is hereby revoked, and the aforesaid conveyances made to said Juan Dornalechi, Pedro P. Massini, Antonio Camargo, Pablo de la Guerra, and Valentine W. Hearne, of said blocks numbers thirty-six, fifty, fifty-eight, fifty-nine, one hundred and ten, one hundred and twenty-seven, one hundred and ninety-seven, two hundred and fifteen, and two hundred and eighty-six, are hereby confirmed. Section two. The provisions of all ordinances, so far as they conflict with this ordinance, are hereby repealed. Passed and approved this twenty-seventh day of January, eighteen hundred and seventy-six. Jarret T. Richards, Mayor; F. N. Gutierrez, City Clerk. (Seal.) It is therefore enacted that said ordinance is hereby ratified and confirmed, and the dedication of blocks numbers thirty-six, fifty, fifty-eight, fifty-nine, one hundred and ten, one hundred and twenty-seven, one hundred and ninety-seven, two hundred and fifteen, and two hundred and eighty-six, in the City of Santa Barbara, to the public use, is hereby revoked, and the conveyance from the Town of Santa Barbara to Juan Dornalechi, made on the twenty-third day of March, eighteen hundred and sixty-eight, for blocks numbers thirty-six and fifty, and the conveyances from the Town of Santa Barbara to Pedro P. Massini, made on the twenty-third day of March, eighteen hundred and sixty-eight, for blocks numbers fifty-eight and fifty-nine, and the conveyance from the Town of Santa Barbara to Antonio Camargo, made on the seventh day of September, eighteen hundred and sixty-seven, for blocks numbers one hundred and ten and one hundred and twenty-seven, and the conveyance from the Town of Santa Barbara to Pablo de la Guerra, made on the twenty-third day of March, eighteen hundred and sixty-eight, for blocks numbers one hundred and ninety-seven and two hundred and

fifteen, and the conveyance from the City of Santa Barbara to Valentine W. Hearne, made on the nineteenth day of August, eighteen hundred and fifty-six, for block number two hundred and eighty-six, are all and each of them hereby confirmed.

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

CHAP. CCXV.—*An Act to amend an Act to incorporate the City of Santa Barbara, approved March tenth, one thousand eight hundred and seventy-four.*

[Approved March 15, 1876.]

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

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section 3. The Common Council of said city shall consist of five members, one to be elected from each ward, who, with the Mayor, Marshal, Assessor, Tax Collector, and Police Judge, shall be chosen at an election to be held in said city on the first Monday of April, eighteen hundred and seventy-six, and on the first Monday in April every two years thereafter, and shall hold their office until their successors are elected and qualified. The Mayor shall be President of the Council, and shall have the casting vote in case of a tie; and neither Mayor nor Councilmen shall receive any compensation for their services, and no Councilman shall be appointed to any city office.

Common Council, to consist of.

Terms of office.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows: Section 7. The said City of Santa Barbara is hereby authorized to borrow the sum of thirty thousand dollars, in gold coin, upon the faith and credit of the city, for the purpose of sewerage said city, opening and grading streets, and building bridges therein; *provided*, that the same shall be consented to by a majority of the legally qualified electors of said city who shall vote at a special election to be held in said city, which election shall be held and conducted in conformity with an ordinance calling the same.

City to borrow money for sewerage, grading, etc.

Consent of electors.

SEC. 3. Section ten of said Act is hereby amended so as to read as follows: Section 10. To provide for the payment of said bonds, and the interest thereon, an annual tax shall be assessed and collected not exceeding one-fourth of one per cent, and the money resulting from the said tax shall be devoted to the payment of the interest of the said bonds, and constitute a sinking fund for their redemption.

Interest and Sinking Fund

SEC. 4. Section eleven of said Act is hereby amended so as to read as follows: Section 11. The Mayor and Common Council of said city shall have power and authority to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, lane, or alley within the bounds of said city, which in their opinion

Laying out streets, etc. Council to appoint Commissioners.

the public convenience may require; and they may appoint three Commissioners to ascertain whether any and what amount of value of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any land or improvements for which such owner or possessor ought to be compensated, or ought to pay a compensation; and said Commissioners must decide what property within the city will be benefited by the contemplated improvement, and all property benefited thereby shall be assessed for the same according to the value of the property assessed.

Improvements, when at owners' expense.

SEC. 5. Section twelve of said Act is hereby amended so as to read as follows: Section 12. Whenever the owners of a major part of the property fronting on any street, or any part of a street, not less than one block, desire to improve such street or part of a street, by grading or paving the same, or constructing sewers or sidewalks, or otherwise, the Mayor and Common Council shall make such improvement at the expense of all the owners of the property on such street, or designated portion thereof, which expense must be in proportion to the number of front feet owned by each; *provided*, that sidewalks may be constructed in like manner on one side of a street or part of a street, whenever the owners of a major part of the property fronting thereon so desire.

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

CHAP. CCXVI.—*An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs.*

[Approved March 15, 1876.]

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

Suit for State taxes, costs not to attach when sum is ten dollars or less.

SECTION 1. In all cases when actions have been brought in the name of the State to recover taxes, under the provisions of an Act entitled "An Act levying State taxes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof," approved March twenty-eighth, eighteen hundred and seventy-four, and the amount of tax sued for is ten dollars or less, the defendant or defendants in each of said actions respectively shall be permitted to settle the same on the payment of the amount sued for, without costs; and upon the payment into Court of the said amount, the defendant or defendants shall be entitled to have the action dismissed. No charge or cost of any kind shall be required of such defendant or defendants, by the Clerk or any other person, either before or after such payment into Court, any law to the contrary notwithstanding.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCXIX.—*An Act to repeal "An Act to exempt firemen in Nevada, Placer, El Dorado, Santa Clara, Solano, Sonoma, Alameda, and Siskiyou Counties, from the payment of poll-tax," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 15, 1876.]

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

SECTION 1. "An Act to exempt firemen in Nevada, Placer, El Dorado, Alameda, Santa Clara, Solano, Sonoma, and Siskiyou Counties, from the payment of poll-tax," approved March twenty-seventh, eighteen hundred and seventy-four, is hereby repealed. Act repealed.

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

CHAP. CCXX.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXI.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXII.—*An Act to protect sea-gulls in the neighborhood of Santa Monica.*

[Approved March 15, 1876.]

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

SECTION 1. Every person who willfully kills or destroys any of that species of sea-birds known as gulls, within five miles of the Town of Santa Monica, in Los Angeles County, is guilty of a misdemeanor. Misdemeanor.

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

CHAP. CCXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXIV.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXV.—*An Act to amend an Act entitled "An Act to reincorporate the City of Petaluma," approved March twenty-seventh, A. D. eighteen hundred and sixty-eight, and supplemental thereto.*

[Approved March 15, 1876.]

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

Corporate powers, to be vested in five Trustees.

Meetings.

Vacancies.

Annual election for city officers.

SECTION 1. Section three of said Act is hereby amended to read as follows: Section 3. The corporate powers of the City of Petaluma shall be vested in a Board of five Trustees. Any three of said Trustees shall constitute a quorum. The meetings of said Board of Trustees shall be at stated times and places established by ordinance, but they may be convened by the President at any time. Said Board of Trustees shall assemble on the first Monday after their election, and shall take the oath of office, and shall choose a President from their number, who shall be the President of said Board of Trustees. Said Board of Trustees shall judge of the election and qualification of its own members. They shall keep a journal of their own proceedings, and, upon the request of any member, shall cause the yeas and nays to be taken on any question before them and entered upon the minutes. Their proceedings shall be public. In case of vacancy by death, resignation, or absence from the meetings of the Board for ninety days, the remaining Trustees shall fill such vacancy by appointment, entered upon their minutes.

SEC. 2. Section five of said Act is hereby amended to read as follows: Section 5. An election shall be held annually for the election of two or three Trustees, a Recorder, a Treasurer, a Marshal, and an Assessor. Three Trustees shall be elected at the election held in April, A. D. eighteen hundred and sixty-eight, and three each alternate year thereafter; and two Trustees shall be elected at the election held in April, A. D. eighteen hundred and sixty-nine, and two each alternate year thereafter. Two of the present Board of Trustees shall hold office for one year in addition to their present term, said two to be selected by the present Board of Trustees by lot. Said election shall be by the qualified electors of said city, and shall be held on the third Monday of April of each year. No person shall be qualified to be elected to any office unless he is a qualified elector, and has been a resident of

said City of Petaluma for one year next preceding his election. No person shall vote at said election unless he shall then be a qualified elector. All male citizens of the United States over the age of twenty-one years, who shall have resided in this State six months and in said city thirty days next preceding any election, shall be qualified electors at said election; and no other persons shall be qualified electors. No general law regulating the time of holding elections, or the terms of office of city officers, or the qualifications of electors, or requiring the registration of electors, shall be construed to apply to the city elections or officers or electors of said city, unless said City of Petaluma shall be expressly mentioned and included therein; and all laws requiring different qualifications or a registration of electors are hereby repealed so far as they apply to said city elections. The Board of Trustees shall appoint a City Attorney, a City Clerk, and a Street Commissioner.

Qualifications of electors.

SEC. 3. Section seven of said Act is hereby amended to read as follows: Section 7. The three or two persons, as the case may be, receiving the highest number of votes for Trustees, shall be declared elected Trustees, and the person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two city elective offices at one time. If two persons receive the same number of votes for any office, and an election is thereby prevented, the Board of Trustees, or so many of them as may be elected, shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The said Inspector and Judges shall, within five days after each election, issue certificates of election to the persons elected. The term of office of the members of the Board of Trustees shall commence on the Monday next succeeding their election, and shall continue for two years and until their successors are qualified. The Recorder, Treasurer, Marshal, and Assessor-elect, shall, within ten days after receiving a certificate of election, file their bonds respectively, and take the oath of office, which shall be indorsed on their respective bonds. If any officer, of whom bonds are required, shall fail to file his bond and take such oath of office within said ten days, said Board of Trustees may, by order entered on their minutes, declare such office vacant, and proceed to fill the same by appointment, entered on their minutes. The City Clerk shall file any bond offered with the oath of office indorsed thereon, but if such bond shall not be approved by the Board of Trustees, they shall, by order entered on their minutes, direct the City Clerk to notify the officer filing said bond that said bond is not approved, and if such person shall, for the term of ten days after receiving said notice, fail to file another and additional bond which said Board of Trustees shall approve, said Board may, by an order entered on their minutes, declare said office vacant, and fill the same by appointment. The order approving every bond shall be entered on the minutes, with the date thereof. The terms of office of said Recorder, Treasurer, Marshal, and Assessor

Certificates of election.

Official bonds

shall commence at the time of the approval of their respective bonds, and shall continue until the approval of the bonds of their respective successors, and no longer. The City Attorney, the City Clerk, and the Street Commissioner shall each hold office during the pleasure of the Board of Trustees, and may be removed by said Board and another person respectively appointed.

Terms of
Attorney,
Clerk, and
Street Com-
missioner.

Additional
bonds.

SEC. 4. Section nine of said Act is hereby amended to read as follows: Section 9. The Recorder, Treasurer, City Clerk, City Attorney, Marshal, and Assessor, before entering upon the duties of their respective offices, shall give bonds for the faithful performance of the duties of their respective offices, payable to the City of Petaluma, in such penalties and with such sureties and conditions as the Board of Trustees may by order entered on their minutes direct, said bonds to be approved by said Board of Trustees. Said Board of Trustees may at any time, by an order entered on their minutes, and the service of a copy thereof on any city officer who has given bond, require of said officer an additional bond. If such officer shall, for the space of ten days after receiving such copy of said order, fail to file an additional bond that shall be approved by said Board of Trustees, said Board may, by an order entered on their minutes, declare his office vacant, and fill the same by appointment.

Powers and
duties of
Board of
Trustees
defined.

SEC. 5. Section ten of said Act is hereby amended to read as follows: Section 10. The Board of Trustees shall have power, and it is hereby made their duty to make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to regulate and prohibit the storage of gunpowder, hay, and all other combustible materials; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all shows, concerts, and places of amusements; to license and regulate tippling-houses and dram-shops, hawkers, peddlers, and pawnbrokers; to license and regulate drays, trucks, omnibuses, hacks, market-wagons, express-wagons, and other vehicles; to regulate and prohibit dance-houses, houses of ill-fame, and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Board of Trustees, and disturbance of a meeting thereof; to fix the time and places of the meetings of the Board of Trustees; to establish fire limits and enforce the same; to establish rules for the proceedings of the Board; to require bonds of all the city officers, except the Trustees and Street Commissioner. No Trustee shall be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision, and to fix the amount and penalties thereof, and the number and qualification of the sureties thereon, and the condition of said bonds; to lay out, alter, and establish all streets, alleys, sidewalks, crossings, and public grounds of the city, and to establish grades of the same; to lay out and locate and establish sewers and drains in said city; to provide for the prevention of horses, swine,

mules, sheep, goats, and cattle running at large in said city (except while being driven through said city), and for impounding the same, and selling them upon the order of the City Recorder, to pay the expense and cost of such impounding, keeping, and selling; to compel the owners or keepers of dogs to procure a tag therefor, and to authorize their being killed; to establish and regulate markets; to prohibit slaughter-houses within said city, and the slaughtering of cattle, calves, swine, sheep, and goats in said city; to establish a police department, and regulate the proceedings and conduct of the same; to provide for and establish a chain-gang, and to regulate the proceedings and conduct of the same; to provide for and establish a fire department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting of streets and public grounds; to regulate the construction of wharves in said city, and to prevent the filling up, obstructing the navigation of, or the improper use of Petaluma Creek within the limits of said city; to establish the manner of appropriating fines, penalties, and forfeitures for breaches and violations of ordinances and non-compliance therewith; to ordain, establish, and impose fines, penalties, and forfeitures for the breach or violation of any ordinance, or non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offense above three hundred dollars, or the imprisonment for one offense more than one hundred and fifty days; *and provided*, that such ordinance may provide that an alternative judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth, and obstructions from the streets, alleys, sidewalks, and public squares of said city, and to punish for the depositing of stone, dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares of said city; to provide for the forcible abating and removal of nuisances; to prevent and punish the depositing of dead animals and filth in said city, or in Petaluma Creek, and to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof, and by orders entered on their minutes shall have power to make contracts; to levy a tax annually for general purposes on all property in the city subject to taxation, not exceeding one-half per cent. of the assessed value thereof, and to order the same collected; to order the collection of a street tax annually of three dollars on each male person over the age of twenty-one and under sixty years residing in said city; to construct public reservoirs and other works necessary to supply the city with water, and keep the same in repair; to construct and keep in repair public cisterns and wells; to purchase and repair fire engines, hose, and other apparatus necessary or needed in the fire department; to build or rent buildings for the use

Powers and
duties of
Board of
Trustees
defined.

of said city, and for the use of the fire and police department thereof; to open, repair, and construct streets, alleys, crossings, sidewalks, and public grounds, and to grade the same; to furnish lights for the streets, alleys, and public grounds; to approve all bonds of the city officers; to appoint policemen and watchmen, and to discharge the same; to establish and regulate a city prison; to control, pay out, and expend the funds of said city, and to do any and all acts necessary to the proper performance of their duties under the charter of said city. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

Limit of
debts to be
contracted.

SEC. 6. Section eleven of said Act is hereby amended to read as follows: Section 11. The Board of Trustees shall not contract any liability, either by borrowing money, loaning the credit of the city, or contracting debts, which, singly or in the aggregate, with any previous debts or liabilities contracted by the Board of Trustees, shall exceed the sum of one thousand dollars over and above the amount in the treasury; *providing*, that upon the levying of any tax, the said Board may, in addition to the above, contract debts and liabilities equal in the aggregate to one-half of the amount of said tax, which must be paid before contracting any further liabilities, neither shall said Board of Trustees levy any tax for the payment of any claim or demand whatever, which is void by the acts of either of the contracting parties.

President of
Board of
Trustees.

SEC. 7. Section thirteen of said Act is hereby amended as follows: Section 13. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the City Treasurer, and shall sign all written contracts entered into by said city, as such President or President pro tem. The authority and power of the President pro tem. shall continue only during the day on which he is chosen. The President and President pro tem. shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands. The President or President pro tem. shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The President is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

Recorder's
Court;
jurisdiction.

SEC. 8. Any vacancy in the office of City Recorder must be filled by an appointee of the Board of Trustees of the city. The Recorder's Court has jurisdiction of the following public offenses, committed within the city boundaries:

First—Petit larceny.

Second—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.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding one thousand dollars, or by imprison-

ment not exceeding six months, or by both such fine and imprisonment; and

Fourth—Of proceeding respecting vagrants, lewd or disorderly persons.

The Recorder's Court also has exclusive jurisdiction:

Recorder's
Court,
jurisdiction.

First—Of all proceedings for the violation of any ordinance of the city, both civil and criminal.

Second—Of any action for the collection of taxes, demands, 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 or improvement of any public grounds, or for any and all public improvements made and ordered by the city within its limits, when the amount of the tax, demand, 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 assessment, can be foreclosed in any such action.

Third—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.

Fourth—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.

Fifth—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

Sixth—Of an action for the collection of any license required by an ordinance of the city.

In all cases in which the Recorder 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 Recorder may call in a Justice of the Peace residing in the city to act in his place and stead. The Recorder's Court shall always be open for the transaction of business except on non-judicial days. Proceedings in the Recorder's Court must be in conformity with the provisions of the Codes for Police Courts in cities. The Recorder, during his term of office, shall hold no other township or county office, and for a violation of this provision the Board of Trustees may declare such office of Recorder vacant. The Recorder shall have power to administer oaths and affirmations, and to take affidavits and depositions to be used in any Court or proceeding in this State, and to certify to the same. He shall also have full power to take and certify the acknowledgments of all persons to deeds, mortgages, leases, and contracts of lands and premises and tenements, lying and

Justice of
Peace, when
to act for
Recorder.

Powers of
Recorder.

being in whole or in part within the limits of said city, and of all instruments affecting such lands, premises, and tenements, and shall receive therefor the same fees as Notaries Public. The City Recorder shall affix his seal to all acknowledgments and to all certificates to be used outside of the city. He shall keep a docket and record of his proceedings in the same manner and form as is required of Justices of the Peace. All fines and penalties imposed and collected in criminal proceedings, exclusive of costs, and all fines, except for notarial business, received by the Recorder, shall be paid into the city treasury. He shall receive a salary to be fixed by the Board of Trustees of said city, not to exceed four hundred dollars per annum. In all actions before the Recorder, in which the City of Petaluma is a party, the City Attorney shall appear on behalf of the city.

Salary

Police department;
duties of
Marshal.

SEC. 9. Section fifteen of said Act is hereby amended to read as follows: Section 15. The Department of Police of said city shall be under the direction and control of the City Marshal, and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws, or public authorities in the lawful exercise of their functions, he shall have the powers that are now, or may hereafter be conferred upon Sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city; and every citizen shall also lend him aid when required for the arrest of offenders, and maintenance of public order. He shall, and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the Recorder, all breaches of violations of, or non-compliance with, any city ordinance, which shall come to his knowledge. He shall collect all taxes levied by the Board of Trustees, except as is herein further provided. He shall, at the expiration of any month, pay to the City Treasurer all taxes and other funds of said city collected by him during said month, deducting his fees for collecting. He shall, upon payment of the money, file with the Treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax list, give his receipt for the same to the City Clerk, and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all city licenses, and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the Board of Trustees. He shall, for service of any process, receive the same fees as Constables of Petaluma Township. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the City Marshal. He may also, with the concurrence of the President of the Board of Trustees, when the same may be by

them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall be entitled to receive and retain five per cent. upon all moneys collected by him on account of any tax list placed in his hands, and upon all licenses collected by him.

Marshal's
fees.

SEC. 10. Section sixteen of said Act is hereby amended to read as follows: Section 16. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out said money on warrants signed by the President and countersigned by the Clerk, and not otherwise. He shall make quarterly settlements with the City Clerk. For his compensation he shall be allowed one per cent. on all moneys received and paid by him as such Treasurer. He may credit himself with such per cent. in his settlements with the City Clerk; upon each quarterly settlement he shall file a statement of his account with the City Clerk.

Treasurer,
duties of.

SEC. 11. Section seventeen of said Act is hereby amended to read as follows: Section 17. It shall be the duty of the Street Commissioner to ascertain and enter complaints before the Recorder of all breaches or violations of and non-compliance with any ordinance relating to or concerning streets, sidewalks, alleys, and public grounds. He shall, under the direction of the Board of Trustees, have the general supervision and care of all streets, sidewalks, alleys, sewers, and public grounds. He shall receive such compensation as may be allowed by the Board of Trustees. The Board of Trustees may, by ordinance, further establish and define his duties.

Street Com-
missioner,
duties of.

SEC. 12. Section eighteen of said Act is hereby amended as follows: Section 18. It shall be the duty of the Assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating County Assessors, except as the same may be otherwise provided in this Act. 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. Said Assessor shall verify said list by his oath, and shall deposit the same with the City Clerk on or before the first Monday of August in each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of the City of Petaluma over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the City Clerk. Said Assessor may appoint a deputy, and, for his services, shall be allowed three dollars per day, and the same for his deputy; *provided*, the amount paid said Assessor and his deputy shall not in the aggregate exceed the sum of two hundred dollars. Said Assessor and his deputy shall have

Assessor,
duties of.

power to administer all oaths and affirmations necessary in the performance of his duties.

Clerk, duties
of.

SEC. 13. Section nineteen of said Act is hereby amended to read as follows: Section 19. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys when received; and in which shall be entered, upon the debtor side, all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Marshal's Account," in which he shall charge the City Marshal with all the tax lists delivered to him and all licenses delivered to him. He shall credit the Marshal with the delinquent list returned by him, and with his commission for collecting. He shall also keep a book marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the Treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book marked "City Attorney's Account," and shall therein charge said City Attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent taxes returned. He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of the City of Petaluma, 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, shall be prima facie evidence of the contents of the ordinance, and of the passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The City Clerk shall also keep a book marked "Demands and Warrants," in which he shall note every demand against the city, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same, and if the same is allowed and a warrant is drawn he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall

be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and the levying of the tax thereon, the City Clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city and certify the same without charge. He shall be the custodian of the seal of the City of Petaluma. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published; he shall perform such other services as this Act and the ordinances of the Board of Trustees shall require. As a compensation for all his services, and those of his deputy, he shall receive not to exceed one hundred and fifty dollars each quarter, at the discretion of the Board of Trustees. Salary.

SEC. 14. Section twenty of said Act is hereby amended to read as follows: Section 20. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city; he shall receive the delinquent lists and receipt therefor; he is authorized to bring suit in the name of the City of Petaluma, in the proper Court, for the collection of any tax; he shall receive for collecting taxes twenty per cent. on the amount collected, which said twenty per cent. shall be collected of the delinquent tax-payer as hereinafter provided. In case a suit shall be brought in the District Court upon a tax upon real estate, to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the twenty per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said City Attorney unless collected of the defendant in such suit. Said City Attorney shall receive such other compensation as may be allowed by the Board of Trustees. City Attorney, duties of.
Compensation.

SEC. 15. Section twenty-three of said Act is hereby amended as follows: Section 23. The fiscal year of said city shall commence on the first day of April of each year, and ends on the last day of March of the ensuing year. The taxes of said city shall be annually: Fiscal year.

First—A general tax on all the property in the city subject to taxation, not exceeding one-half per cent. of the assessed value thereof, for general purposes. Annual taxes, to be.

Second—A street tax of three dollars on each male person over twenty-one and under sixty years of age residing in said city, except active firemen. Each of said taxes shall be due to said city on said property, and from the owners thereof,

and from said persons, whenever the same shall be levied by the Board of Trustees of said city. All taxes shall be levied during the months of August or September of each year, and shall be payable, one-half in gold and one-half in silver coin.

Delinquent
taxes, collec-
tion of.

SEC. 16. Section twenty-four of said Act is hereby amended to read as follows: Section 24. Whenever any tax shall be levied, it shall become and be a lien upon all the real estate of the person owning [owing] the tax, situated in said city, which said lien shall take precedence of all other liens, except those held by the United States and by this State, and excepting liens in existence at the time of the passage of this Act. Whenever a tax is levied the City Clerk shall immediately make out a tax list of the same, and certify to the same, and ascertain the amount of the tax, and deliver the said tax list to the City Marshal, and take his receipt therefor. The City Marshal shall, on the receipt of said tax list, proceed to the collection of said taxes. He shall collect no taxes on said list after the third Monday of November next following its receipt. All city taxes not paid on or before said third Monday of November shall be delinquent taxes. At the close of the day on said third Monday of November there shall become and be due to said city on said delinquent taxes, the amount of twenty per cent. of the same, in addition to said tax, which said twenty per cent. shall be collected in the same manner as the delinquent tax; immediately after said third Monday of November, the City Marshal shall make out a list in the same form as the tax list, of all taxes so delinquent, and shall verify the same, and deposit it with the City Clerk. The City Clerk shall immediately place said delinquent list in the hands of the City Attorney, and take his receipt therefor, and charge the same to him. The City Attorney is hereby authorized and directed to commence civil actions, in the name of the City of Petaluma, in the Recorder's Court or in the District Court in and for the County of Sonoma, the jurisdiction of the Court to be determined by the amount sued for or the relief sought, as in other civil actions, to recover the unpaid taxes delinquent or to become delinquent. Whenever said City Attorney has collected of said delinquent taxes all that he has been able to collect, he shall make a list of such taxes as he has not been able to collect, and deposit the same, with the delinquent list, with the City Clerk. The City Attorney shall quarterly make a statement of the taxes collected by him, and verify the same, and file it with the City Clerk, and shall quarterly pay into the city treasury all taxes collected by him, retaining the twenty per cent. additional as his fees. The Board of Trustees shall examine the list of unpaid taxes returned by the City Attorney, and abate or make such disposition of the same as they may think best.

Attorney's
fees

Condemna-
tion of
private
property.

SEC. 17. Whenever it becomes necessary for the city to take private property for the purpose of laying out or altering streets or alleys, and the Trustees cannot agree with the owner thereof as to the price to be paid, the Trustees may direct proceedings to be taken under sections twelve hundred

and thirty-seven and following sections, to and including sections twelve hundred and sixty-three of the Code of Civil Procedure, to procure the same.

SEC. 18. Section thirty-five of said Act is hereby amended to read as follows: Section 35. The Board of Trustees are hereby authorized and empowered to order, by an order entered on their minutes, the whole or any portion of the streets, lanes, alleys, places, or courts of said city, to be graded or regraded to the grade established or to be established hereafter, planked or replanked, paved or repaved, macadamized or repaired, and to order sidewalks, sewers, cess-pools, man-holes, culverts, curbing, and crosswalks to be constructed therein, and to be repaired and kept in repair, and to order any other work which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of said work to be improved or repaired; *provided*, that before any work is ordered or improvement made, a majority of owners of the frontage on any such street, alley, park, or public square, shall petition the Board for said improvement.

Grading of streets, etc.

Owners to petition.

SEC. 19. Section thirty-six of said Act is hereby amended to read as follows: Section 36. The Board of Trustees may order any work authorized by section eighteen of this Act done, after notice of their intention to do so in the form of a resolution, describing the work, and signed by the City Clerk, has been published or posted in three public places in said city for a period of ten days. At the expiration of any notice of intention as hereinbefore provided, the Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work to be done or to be afterwards improved which is authorized by section twenty-six of this Act; and all owners of lands or lots, or portions of lots, who may feel aggrieved or who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notice of intention, shall file with the said Clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved or the proceedings to which they object. Said petition or remonstrance shall be passed upon by said Board of Trustees, and their decision then shall be final and conclusive.

Trustees to give notice of intention.

Remonstrances.

SEC. 20. Section thirty-seven of said Act is hereby amended to read as follows: Section 37. The Board of Trustees are authorized to contract for doing all or any part of said work. Neither the Board of Trustees nor the City of Petaluma shall be liable to the contractor for the contract price of any work done upon the sidewalk and the one-third of the street adjoining thereto, or the proportionate part of any sewer in front of any lot or parcel of land. Said lot or parcel of land, or the owner thereof, shall be directly liable to the contractor therefor. Said contracts and the bids hereinafter provided shall specify separately the price of the work in front of each land owner's property. Before giving out any contract by the Board of Trustees for doing any work authorized by section twenty-six of this Act, said Board shall cause notice to be posted in three public places in said city, for ten

City nor Trustees liable to contractors.

Contracts, manner of letting.

Contracts,
manner of
letting

days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the City Clerk, and the Board of Trustees shall, in open session, open, examine, and publicly declare the same, and award the said work to the lowest responsible bidder; *provided*, said Board of Trustees may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city. All proposals shall be accompanied with a bond in the sum of two hundred dollars (\$200), signed by the bidder, and two responsible sureties, conditioned to pay to the City of Petaluma the full sum of two hundred dollars as liquidated damages if the said bidder shall fail to enter into a contract, as hereinafter provided, if said work is awarded to him. It shall be the duty of the City Attorney to sue on said bonds in the name of said city, and to pay the amount recovered to the City Treasurer. The Board of Trustees shall have power to relieve the contractor from the performance of the conditions of said bond where good cause is shown therefor. All persons who shall fail to enter into a contract, as hereinafter provided, are hereby prohibited from bidding a second time for the same work. Notice of such award shall be posted in three public places in said city for five days. Any owner of land liable to be assessed for, or to do, or to pay any part, or the whole of said work, may, within said ten days after the posting of said notices of award, give notice to the said contractor that he will do and perform said work for which he is so liable, in accordance with the specifications therefor; should said owner fail to commence said work, and enter into a contract with the City of Petaluma therefor within ten days of the posting of said notice of award, and prosecute the same with due diligence to completion, the original contractor may do the same under his contract. If said bidder shall neglect, for fifteen days after the posting of said notice of award, to enter into the contract, the Board of Trustees shall again post notices, for ten days, and pursue the steps required by this section, the same as in the first instance. All such original contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of the President of the Board of Trustees, with two or more sureties, payable to the City of Petaluma in such sums as the said President shall deem adequate, conditioned for the faithful performance of the contract. All work shall be done under the superintendance of the Street Committee and to their satisfaction, and in accordance with the terms of the contract. Said contractor and sureties shall be jointly and severally liable on said bond for all damages, costs, and charges accruing by reason of any neglect of performing said contract, or of any misfeasance or nonfeasance in performing the same; *provided*, that said Board of Trustees may build, or cause to be built, all sewers, or may contract for building the same without the property owner having the privilege of building any part of the same; but the building of sewers shall be paid for as herein provided; *and provided further*, that said Board of Trustees are hereby

Contractors'
bonds.

authorized to do or to contract for any repairs of streets, or the grading thereof, putting down crosswalks, or repairs thereof, cleaning any of the streets, alleys, or courts, and the gutters thereof, when deemed necessary by said Board, to an amount not exceeding three hundred dollars upon any one street at any one time, without complying with sections twenty-seven and twenty-eight of this Act, as to notice of intention or advertising for bids, as therein provided. The owner of any lot or parcel of land in front of which any such work is done, shall be liable to the City of Petaluma for his or her proportion thereof, as in this Act provided, to be collected, if necessary, by suit in the name of the City of Petaluma, as in actions for debt. The expense incurred for any work authorized by section twenty-six of this Act shall be paid by said City of Petaluma, and by the lands fronting on any such work, or cornering thereon, and by the owners of such land, as follows:

Liability of owners.

Expenses, how paid.

First—The expenses incurred for grading, paving, planking, macadamizing, improving, and repairing lanes and alleys, and making and repairing, and keeping in repair, sewers therein, shall be borne and paid by the owners of the land fronting on such lanes and alleys, each to bear one-half of the expense in front of his land; and said expense shall be assessed on said lands, each lot or portion of a lot being separately assessed.

Second—The expenses incurred for grading, paving, planking, macadamizing, improving, repairing, and keeping in repair the one-half of the street between the sidewalks lying and being between the center of the street and any lands, shall be borne and paid by the owner of said lands, and shall be assessed on said lands; each lot or a part of a lot to be separately assessed. The expenses incurred in making and repairing sewers in any street shall be paid one-third by said city, and one-third by the owner of lands on one side of said street, and one-third by the owners of the land on the other side of said street. Said expense shall be so paid by the owners of said land and the city respectively, and shall be assessed upon said lands; such lots or portions of a lot being separately assessed in proportion to its frontage, at a rate per foot sufficient to cover the total expense of the sewer in such street.

Third—The expense incurred in making and in repairing sidewalks shall be paid by the owners of the lands in front of which, and upon the same side of the street on which, said sidewalks are ordered to be made or are to be repaired, and shall be assessed on said lands. The expense of building and repairing such sidewalks in front of any lot or part of a lot shall be borne and paid by the owner of such lot or part of a lot, and shall be assessed thereon. Such owners may, in accordance with the order of the Board of Trustees, and within a time to be specified in said order, build or repair said sidewalk in front of his said land; but if he shall not do so in said time, said city may do said work, and the expense of the same shall be a lien upon said lands.

Fourth—The expense incurred in making and repairing

street crossings shall be paid by the owners of the lots between which said crossings shall be made, and shall be assessed on said lots one-half upon each.

Fifth—The expense incurred for work done at the crossing of the streets on the square portion of such streets, bounded by the lines of said streets and by the center of said streets, shall be paid by the owner of the lot cornering on such square portion of such street; and the sidewalks thereon shall be built, and the expenses incurred in building thereof shall be paid by said owner. Such expense shall be assessed on said lot.

Assessments
for expenses
to be a lien
upon lands.

Action
against
owners.

Sections of
former Act
repealed.

SEC. 21. Section thirty-eight of said Act is hereby amended to read as follows: Section 38. Whenever any expenses for work done by said city, or by any contractor, shall have been assessed on any lands, or whenever the owners of any lands shall have become liable to pay the same, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure, except as herein otherwise provided. Suit may be brought against the owner of any lot to recover the amount due thereon, as in action of debt, or to foreclose such lien; in either case such suit shall be in the name of the contractor as plaintiff, when the work has been done by a contractor; in other cases it shall be in the name of the City of Petaluma as plaintiff. Upon the filing of a complaint in the District Court to enforce a lien of any kind herein, the plaintiff shall be entitled, if a recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees. In cases where the City of Petaluma is plaintiff, that amount shall be paid to the City Attorney if collected, and not to be so paid to said City Attorney unless collected of defendant in such suit, and in case of a foreclosure of such lien, said lands shall be sold under the decree of the District Court, in accordance with the provisions of said Code of Civil Procedure, and in accordance with law.

SEC. 22. Sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four of said Act, and such portions of said Act, and all other Acts inconsistent with this Act, are hereby repealed.

SEC. 23. This Act shall take effect and be in force from and after its passage, except the provisions of the appointment of a Street Commissioner, which shall take effect on the third Mouday of April, A. D. one thousand eight hundred and seventy-six.

CHAP. CCXXVI.—*An Act to amend an Act, approved February seventeenth, eighteen hundred and seventy-four, entitled "An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant."*

[Approved March 15, 1876.]

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

SECTION 1. Section two of the said Act is hereby amended as follows: Section 2. Said turnpike or wagon road shall be built in a good and substantial manner. The ascending and descending grades shall not exceed ten feet to the one hundred, with roadway to admit of the passage of large and heavy teams, and with turnouts at convenient distances, within sight from one to another; but all bends and short turns shall be built with sufficient way-room to allow two of any class of teams to pass each other without inconvenience, and without danger to life or limb.

Concerning grades and turnouts.

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

CHAP. CCXXVII.—*An Act to amend an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 15, 1876.]

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

SECTION 1. Section second of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March twenty-seventh, eighteen hundred and seventy-four, is hereby repealed.

Section repealed.

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

CHAP. CCXXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXIX.—*An Act to legalize certain proceedings of the Board of Supervisors of Tulare County.*

[Approved March 11, 1876.]

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

SECTION 1. The proceedings and orders of the Board of Supervisors of Tulare County relating to the public roads

Legalizing proceedings of Supervisors.

of said county, had or made between the sixth day of March, one thousand eight hundred and seventy-four, and the date of the qualification of the Road Commissioner provided for by the Act of the Legislature of the State of California, entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, one thousand eight hundred and seventy-four, are hereby legalized and confirmed; and the County Treasurer of said county is hereby authorized and directed to pay all warrants, in their regular order of presentation, drawn by the County Auditor of Tulare County in pursuance of such proceedings and orders of the Board of Supervisors of said county.

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

CHAP. CCXXX.—*An Act authorizing the construction of a wagon road from the mouth of City Creek to Long Point, in San Bernardino County.*

[Approved March 15, 1876.]

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

Authorizing
construction
of road.

SECTION 1. Edward Daley, Fred. T. Perris, and John Mayfield, of San Bernardino County, or their assigns, are hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at the base of mountain at or near the mouth of City Creek, thence running by the most practicable route to Long Point, on the summit of the mountain, said road to be fifteen miles long, more or less. They shall also have the right to extend said road to Beardstown, in Bear Valley, and shall be allowed to collect tolls on said road for a period of twenty years from its completion.

Tolls.

SEC. 2. The Board of Supervisors of San Bernardino County shall from time to time regulate the tolls to be collected on said road.

Road, when
completed.

SEC. 3. Said road shall be surveyed and completed in two years from the first day of July, eighteen hundred and seventy-six.

Code made
applicable.

SEC. 4. Title Five of the Civil Code, in relation to wagon road corporations, is hereby made applicable to San Bernardino County, so far as the same does not conflict with the provisions of this Act.

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

CHAP. CCXXXI.—*An Act to restrict sheep from being herded or running at large in Sacramento County.*

[Approved March 14, 1876.]

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

SECTION 1. It shall not be lawful for any person or persons owning or having charge of any sheep within the County of Sacramento, to herd the same, or permit them to be herded, or to roam at large of their own accord, on the lands of any other person or persons of Sacramento County, said ownership of land to be determined by patent or State possessory claims; *provided*, that no person or persons in said county shall be entitled to the protection of this Act unless said person or persons are and have been paying a State and county tax on the same. Sheep not to run at large.

SEC. 2. The owner or owners or agents of such owners of such sheep violating the provisions of section one of this Act, on complaint of the party or parties injured, and on conviction thereof, before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty dollars nor more than fifty dollars, which fine shall be paid into the District School Fund of the district in which the complaint was brought, and shall be liable to pay to the party or parties injured a further sum of not less than five cents per head, in the nature of damages, for each day such violation of said section shall be permitted to continue. Penalty for violation.

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

CHAP. CCXXXII.—*An Act amendatory of and supplementary to an Act entitled "An Act to establish a quarantine for the bay and harbor, and sanitary laws for the City and County of San Francisco," approved April fourth, eighteen hundred and seventy.*

[Approved March 16, 1876.]

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

SECTION 1. From and after the passage of this Act the Deputy Health Officer of the City and County of San Francisco shall be known as the Quarantine Officer. He shall have power to perform all acts which he has heretofore performed under the title of Deputy Health Officer, and all acts which quarantine officers are usually authorized to perform. He shall give bonds, with good and sufficient security, to be approved by the Board of Health, in the sum of five thousand dollars. Quarantine officer.
Bond.

Health
Inspectors,
salaries of.

SEC. 2. There shall be four Health Inspectors for the City and County of San Francisco, who shall be appointed by the Board of Health, and shall receive twelve hundred dollars per annum each, to be paid in the same manner as is provided for the payment of the salaries of the other appointees of the Board of Health.

Removal of
nuisances,
appropriations
for.

SEC. 3. Section thirty of said Act is amended to read as follows: Section 30. Whenever a nuisance shall exist on the property of any non-resident, or any property the owner or owners of which cannot be found by either Health Inspector, after diligent search, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed, and to draw upon the General Fund for such sums as may be required for its removal, not to exceed two hundred dollars; *provided*, that whenever a larger expenditure is found necessary to be made for the removal or suppression of any nuisance, the Board of Supervisors of said city and county may, upon the written application of the Board of Health, by ordinance, appropriate, allow, and order paid out of the General Fund such sum or sums as may be necessary for that purpose; *provided further*, that in all cases where such expenditure will exceed five hundred dollars, no appropriation shall be made for that purpose, unless the City and County Attorney shall first give his opinion, in writing, that such expenditure would be a legal charge against the property affected thereby. The Auditor shall audit and the Treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury.

Transportation
of
deceased
persons.

SEC. 4. No person, master, captain, or conductor, in charge of any boat, vessel, railroad car, or public or private conveyance, shall receive for transportation, or shall transport, the body of any person who has died within the limits of the City and County of San Francisco, without obtaining a permit for the same from the Health Officer, which permit must accompany the body to its destination; and no person, master, captain, or conductor, as aforesaid, shall bring into or transport through the said city and county the dead body of any person, unless it be accompanied with a certificate from some proper authority of the place whence it came, stating name, age, sex, and cause of death, which certificate shall be filed at the Health Office; *provided*, that in no case shall the body of any person who died of a contagious disease be brought to the city within one year of the day of death.

Notice of
birth to be
given

SEC. 5. Section twenty-six of said Act is amended to read as follows: Section 26. It shall be the duty of the parent or parents, or, in the case of their death, then of the next of kin in attendance, or, if there be no relative in attendance, then of the person having charge or control of any child born within the limits of the City and County of San Francisco, to report the same to the Health Officer within ten days of its birth, giving name (if named), date of birth, sex, color; name, birthplace, and occupation of father; maiden name and birthplace of mother; and place of birth. Blanks

for this purpose shall be kept at the Health Office. All persons failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine of not less than five dollars nor more than fifty dollars. Misdemeanor.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCXXXIII.—*An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of San Bernardino.*

[Approved March 16, 1876.]

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

SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, colt, mule, jack, jenny, goat, or horned cattle, or any number of such animals, doing or having done damage on any cultivated portion of such land or possessory claim, or whereon there are growing crops, or hay being made, whether the same be inclosed by a fence or not so inclosed, may take up and, at the expense of the owner, safely keep such animal or animals for ten days, and shall be allowed for keeping such animal or animals, the following-named sums: For each horse, mare, colt, mule, jack, jenny, or horned cattle, the sum of twenty cents per day; and for each goat the sum of five cents per day; *provided*, that no charge, to exceed ten dollars per day, shall be demanded on any number of goats; *and provided further*, that the owner or owners of such animal or animals shall be entitled to the possession of the same, by giving a written undertaking, executed by two or more sufficient sureties, to be approved by the Justice of the Peace, for the payment of damages charged, and such charges and fees which may accrue, or by depositing with the Justice of the Peace the amount claimed, with ten dollars additional to secure the payment of damages and costs. Owner or occupant may take up animals.

SEC. 2. When the owner or owners of animals taken up are known, and said owner or owners reside in or near the township, they shall be personally notified, or written notice directed to them, and left at their usual place of residence; but if at a great distance from the place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest post-office, directed to the owner at a post-office at or near his or their residence. When the owner or owners are not known to the person taking up the animals, written notices, containing a description of the animals, their marks and brands, as Charge for keeping.

Owners of animals may redeem.

Notice to owners.

nearly as can reasonably be ascertained, and stating the cause of detention, shall be posted conspicuously in three public places in the township, and a copy delivered to the Justice of the Peace of said township; and if there be no Justice in said township, then with the nearest Justice in an adjoining township.

Complaint
for damages.

SEC. 3. At the expiration of ten days, if the animal or animals have not been applied for, or if they have, and the parties do not agree on the amount of damages and compensation, the taker up, when the damages and compensation claimed for taking up and keeping shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace of the township where the trespass was committed, or the township where the owner or owners of the animal or animals reside, setting forth the nature and location of the alleged damages, the amount he claims against said animal or animals, and that he actually sustained the damages claimed; and if there be no Justice in said township, then he shall file his complaint with a Justice of the Peace in the nearest township.

Summons,
how given.

SEC. 4. When the owner is known, the action shall be against such owner or owners, and the summons shall be served and returned as in other actions. When the owner or owners are not known, the action shall be against the property *in rem*, and the summons shall be directed to unknown owner or owners of said animal or animals, describing them therein, and any action thus commenced may include all the animals found doing damage, whether of one or more marks and brands, and shall be served by posting a copy of the same in three public places in the township, one of which shall be on the outside of the door of the Justice's office, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial; and no judgment shall be entered up under the provisions of this Act by default, but the damage done shall be proven by the testimony of one or more credible witnesses; if judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution; if the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act; any overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner or owners of the animals sold, if demanded within three months from the date of sale, otherwise it shall be, at the expiration of three months, paid into the county treasury for the benefit of the County School Fund.

Judgment.

Overplus of
moneys.

Animals
may be
redeemed.

SEC. 5. Any owner or owners of animals seized under the provisions of this Act, may, at any time previous to the sale, demand and shall be entitled to the possession of such animal or animals, upon making satisfactory proof of ownership and paying his or their proportion of damages, charges, and

fees; and after the sale may, at any time within three months, redeem said animal or animals by making proof of ownership and paying the purchaser the amount of purchase money, with ten per cent. added thereto, and expense of keeping, at the rate of two dollars per month per head.

SEC. 6. The Justice of the Peace shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection; which record shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale; and if said surplus money shall be received by the owner, he shall receipt for it on the margin of the docket. Record of sales.

SEC. 7. The fees of Justice and Constable for services under this Act shall be the same as allowed for similar services in other civil actions. Fees.

SEC. 8. Any person who shall drive from outside land upon his own land, for the purpose of taking advantage of the provisions of this Act, and any person who shall rescue or take from the possession of the taker up any animal or animals, or cause the same to be done, without having paid the compensation fees and damages claimed or awarded, or having given security for such payment, or any officer violating any of the provisions of this Act, shall be deemed guilty of misdemeanor, and shall, upon conviction thereof, be punished accordingly. If, on the trial of any action arising under this Act, it shall appear that the party claiming damages against any animals or the owners thereof is not cultivating such land in good faith, but is doing so or attempting to do so merely for the purpose of getting damage against animals or the owners of the same, the action shall be adjudged against such party, with such damage as may be set up and proved by the adverse party. Misdemeanor.

SEC. 9. All that part or portion of San Bernardino County lying and being due north of a line hereinafter described, shall be and is hereby exempted from the provisions of this Act; said line commencing at the northeast corner of township number four north, range two west, San Bernardino base and meridian, and running due west to the intersection of the western boundary line of San Bernardino County. Territory exempted.

SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CCXXXIV.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.*

[Approved March 16, 1876.]

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

Appropriation for surveys, maps, etc.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, the sum of ten thousand dollars, for preparing a comprehensive and intelligent system of sewerage for that portion of the City and County of San Francisco where the grades have been established, and for making surveys, and preparing a map showing the size and materials of all sewers constructed and to be constructed by order of the Board of Supervisors, and for reporting upon the mode to be adopted to secure ventilation of sewers, with plans and rules as to the construction and connection of private sewers with the public sewers, etc.

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

CHAP. CCXXXV.—[See volume of *Amendments to the Codes.*]

CHAP. CCXXXVI.—*An Act to extend the franchise granted to David Girky and others to build a wharf at Santa Cruz.*

[Approved March 16, 1876.]

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

Franchise extended.

SECTION 1. The right of David Girky, his associates and assigns, to maintain a wharf at Santa Cruz, heretofore constructed under an Act entitled "An Act authorizing David Girky and others to build a wharf at Santa Cruz," approved April third, eighteen hundred and fifty-six, is hereby extended twenty years from the second day of April, A. D. eighteen hundred and seventy-six, to said party, his associates and assigns, and the use of the land on which said wharf is constructed is released to said parties and their assigns for that period.

Tolls.

SEC. 2. The Board of Supervisors of the County of Santa Cruz must fix the tolls to be collected on said wharf, in the same manner as provided for wharves constructed under the provisions of the Political Code.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXXVII.—*An Act to amend an Act entitled "An Act to create the Eighteenth Judicial District, and for other purposes," approved February twentieth, eighteen hundred and seventy-two.*

[Approved March 16, 1876.]

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

SECTION 1. Section three of an Act entitled an Act to create the Eighteenth Judicial District, is hereby amended so as to read as follows: Section 3. The terms of the District Court of the Eighteenth Judicial District, during each year, shall commence as follows: In the County of San Diego, on the third Monday of January, April, July, and October; in the County of San Bernardino, on the second Monday of March, June, September, and December.

Terms of Court.

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

CHAP. CCXXXVIII.—*An Act relative to the publication of amendments to the Codes.*

[Approved March 16, 1876.]

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

SECTION 1. All statutes passed at the twenty-first session of the Legislature, which are expressly amendatory of the Codes, must be published in a volume uniform in size with the Codes, and separate from the other statutes.

Amendments to Codes.

SEC. 2. The Secretary of State must arrange such amendments so that all statutes amendatory of the same Code will be together, and as near as possible in the order of the sections which they amend.

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

CHAP. CCXXXIX.—*An Act to authorize the County Treasurer of El Dorado County to transfer certain funds.*

[Approved March 16, 1876.]

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

SECTION 1. On the first Monday in April, eighteen hundred and seventy-six, and on the first Monday of April each year thereafter, the County Treasurer shall, after the close of his official business of that day, estimate the amount of

Treasurer to transfer surplus moneys.

warrants, if any, then outstanding against the "Salary Fund," and the amount of warrants, if any, then outstanding against the "Current Expense Fund;" and should there be a surplus in either or both of said funds, more than sufficient to pay the warrants outstanding against said funds respectively, he shall transfer such surplus to the "Hospital Fund" of said county, and apply the same in like manner as other moneys in said fund.

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

CHAP. CCXL.—*An Act to regulate the laying of gas and water-pipes in the City of Oakland.*

[Approved March 16, 1876.]

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

Capacity of
gas and
water-pipes.

SECTION 1. All gas and water-pipes hereafter laid upon any paved, macadamized, or graveled street in the City of Oakland, must be of sufficient capacity to afford a free supply of gas or water for the estimated necessities of said street for a period of not less than five years; and the said estimate of capacity shall be made by the City Engineer and approved by the City Council.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXLI.—[See volume of *Amendments to the Codes.*]

CHAP. CCXLII.—*An Act to amend an Act entitled an Act to restrict sheep from being herded or running at large in certain portions of Lake County, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 16, 1876.]

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

Portion of
county pro-
tected from
trespass.

SECTION 1. Section one is hereby amended so as to read as follows: Section 1. It shall not be lawful for any person or persons owning or having charge of any sheep within that portion of Lake County lying north of a line commencing at a point on the county line between the Counties of Colusa and Lake where the Bartlett Spring and Bear Valley toll-road crosses the same, and running westerly along said road

to Bartlett Springs; thence westerly along the Upper Lake and Bartlett Spring toll-road to the top of Pine or Mill Mountain, the same being the dividing ridge between the waters of Clear Lake and the north fork of Cache Creek; thence southwesterly on a direct line to Goodwin's Point on the western shore of Clear Lake; thence west to the county line between the Counties of Lake and Mendocino, to herd the same, or permit them to be herded, or to roam at large of their own accord on the lands or lawful possessory claims of other than the lands or lawful possessory claims of the owners of such sheep.

SEC. 2. The owner or owners, or agent for such owners, of sheep violating the provisions of section one of this Act, on complaint of the party or parties injured, and on conviction thereof before any Justice of the Peace for the township where either of the parties reside, shall be liable to a fine not to exceed the sum of fifty dollars, which fine shall be paid into the School Fund of said county, and shall be liable to pay the party or parties injured in a further sum, in the nature of damages, for each day such violation of said section shall be permitted to continue, as the Court within its jurisdiction may award.

Penalty for violation.

Liability to owners of land.

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

CHAP. CCXLIII.—*An Act to authorize the School Trustees of Lower Lake School District, in Lake County, to raise funds for school purposes.*

[Approved March 16, 1876.]

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

SECTION 1. The Trustees of Lower Lake School District, Lake County, are hereby authorized to levy a tax on all the taxable property of said district, for the purpose of building a public school-house in said district, as follows: In the year eighteen hundred and seventy-six, such number of cents on each one hundred dollars of all the taxable property in said district as will raise the sum of fourteen hundred and twenty-five dollars. In the year eighteen hundred and seventy-seven, such number of cents on each one hundred dollars of all the taxable property in said district as will raise the sum of fifteen hundred and sixty-seven dollars. In the year eighteen hundred and seventy-eight, such number of cents on each one hundred dollars of all the taxable property in said district as will raise the sum of seventeen hundred and ten dollars; and in the year eighteen hundred and seventy-nine, such number of cents on each one hundred dollars of all the taxable property in said district as will raise the sum of eighteen hundred and seventy-nine dollars.

Trustees to levy tax to build school-house.

SEC. 2. Within sixty days after the passage of this Act the Trustees of said district must order an election for an Assessor and Collector.

Election for Assessor and Collector.

Assessor and Collector, for the purposes of this Act, who must qualify according to law.

SEC. 3. The Assessor and Collector, in assessing and collecting the tax herein provided for, must be governed by the law governing County Assessors and County Collectors.

Taxes, how applied.

SEC. 4. The Collector must pay over all the money, to be collected under the provisions of this Act, to the Trustees of the district, who must appropriate and disburse the same in the erection of a public school-house for said district, and paying the expenses of assessing and collecting the tax herein provided for. If any money remain after paying for the said school-house, and the expenses of assessing and collecting the tax herein provided for, the Trustees must pay the balance into the District Fund of the district.

SEC. 5. This Act shall take effect and be in force immediately.

CHAP. CCXLIV.—*An Act to amend an Act entitled "An Act to protect agriculture in the County of Butte," approved March tenth, eighteen hundred and seventy-four.*

[Approved March 16, 1876.]

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

SECTION 1. Section twelve of said Act is hereby amended so as to read as follows: Section 12. This Act shall apply to all that portion of Butte County bounded as follows: All that portion of the said County of Butte lying west of Feather River and the main north fork of same.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXLV.—*An Act to provide for the purchase of certain supplies for State officers and members of the Legislature.*

[Approved March 16, 1876.]

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

SECTION 1. The State Board of Examiners is hereby constituted ex officio a Furnishing Board, with the powers and duties hereinafter specified.

Board of Examiners to advertise for bids to supply stationery, lights, and fuel.

SEC. 2. It shall be the duty of said Board, as often as it shall become necessary, to advertise for twenty days in two daily newspapers published in the City of San Francisco, and one daily newspaper published in the City of Sacramento, for sealed proposals to furnish stationery, blank books, material for lights, fuel, and such other articles necessary for

the use of said State and legislative officers as are entitled thereto, or any of them; and said Board shall specify in said advertisement the amount and kinds of each article desired, samples or minute descriptions of which shall accompany and be deposited, with the sealed proposals for furnishing the same, in the office of the Secretary of State; and all proposals received as aforesaid shall be opened and compared by said Board, any two of whom shall constitute a quorum, at the Governor's office, at twelve o'clock M. of the day specified in the said advertisement; and the said Board shall then and there award the contract for furnishing said supplies, or any of them, to the lowest bidder, whose sealed bid shall be accompanied by a bond with two or more sureties, in the sum of \$——, the sum to be not less than twice the amount of the value of the articles to be supplied, payable to the people of the State of California, conditioned that if the bidder shall receive the award of said contract he will, in ten days thereafter, deliver the supplies or articles for which he has been awarded the contract; *provided*, that in their said advertisement said Board may classify said supplies and articles, and may receive bids and award contracts for such separate articles or class of supplies as they shall deem the lowest and best; *provided further*, that said Board may require any class or articles of said supplies to be delivered in installments, and paid for on delivery; *provided further*, that any and all bids which shall be deemed too high by said Board, may be declined, in which case said Board shall again advertise for sealed proposals to furnish the classes or articles of supply so declined, and so on for the same cause, as often as it shall occur; *and provided further*, that in such case, said Board may purchase any articles or supplies for which bids have been rejected as aforesaid, in open market, and in amounts sufficient for immediate necessities, but at prices not exceeding the lowest prices in the bids rejected.

Awarding of contract.

Articles, how delivered.

SEC. 3. It shall be the duty of the Secretary of State, immediately after the passage of this Act, to take a full and complete inventory of all stationery, blank books, and other articles and supplies aforesaid, then on hand, and enter the same in a set of books to be kept for that purpose, making a separate account for each class of articles; and in like manner he shall enter in said books a detailed and classified account of all purchases of articles and supplies authorized by this Act, showing the amount and cost of each article and class of supplies purchased, the amount and cost of each class issued, amount and cost of each article and class issued to each State officer and member of the Legislature, and amount and cost of each article and class on hand. He shall issue the supplies aforesaid only upon the requisition of the proper officer, and shall take a receipt for the same upon delivery, which requisition and receipt shall be filed and preserved in his office.

Secretary of State to open stationery accounts.

Supplies, how issued.

SEC. 4. It shall be the duty of said Board, at the end of each fiscal year, and at such other times as they shall deem necessary, to cause an inventory to be taken of all the articles

Board to take inventory of supplies.

and classes of said supplies on hand and contracted for, and to make an examination of the amounts and vouchers appertaining to the same.

Board to report to Legislature.

SEC. 5. It shall be the duty of said Board, at least one month previous to the assembling of each Legislature, to advertise, in accordance with section two of this Act, for a supply of stationery, fuel, and such other articles as shall be sufficient for the use of the State officers and members of the Legislature, or necessary for the public service, and at the commencement of each session said Board shall report to the Legislature a full account of their receipts and expenditures, and stock of supplies on hand.

Expenses of Board.

SEC. 6. The actual expenses incurred by said Board in executing the powers and discharging the duties prescribed and imposed in this Act, when certified by them, shall be audited by the Controller, and paid by the Treasurer of said State out of any money which shall have been appropriated for that purpose; *provided*, nothing in this Act shall be construed as allowing salary or compensation to said Furnishing Board for any service performed as such Board.

SEC. 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. CCXLVI.—*An Act in relation to highways in the County of Solano.*

[Approved March 16, 1876.]

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

Political Code made applicable.

SECTION 1. Articles one and two, Chapter Second, Title VI., Part III., of the Political Code, as amended by an Act entitled an Act to amend the Political Code, in relation to highways, approved March thirtieth, eighteen hundred and seventy-four, is hereby made applicable to Solano County.

Duties of Supervisors.

SEC. 2. The Board of Supervisors of Solano County, by proper ordinances, must:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Act provided.

2. Cause to be recorded as highways such roads as have become such by usage or abandonment to the public.

3. Abolish or abandon such as are unnecessary.

4. Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways; and for that purpose institute proceedings under Title VII., Part III., of the Code of Civil Procedure, and to pay therefor from the District Road Fund of the particular district.

5. Let out by contract the improvement and repair of highways, and the construction and repair of bridges, or other adjuncts to highways, when the amount of work to be done

by contract exceeds one hundred dollars; also, let out by contract the maintenance and repair of highways and bridges.

6. Levy a property road tax.

7. Order and direct Roadmasters specially in regard to work to be done on particular roads in their districts.

8. Cause to be erected and maintained, on the highways they may designate, mile-stones or posts, and guide-posts properly inscribed.

9. Cause the road tax collected each year to be apportioned to the funds and road districts entitled thereto, and kept by the Treasurer in separate funds.

10. Audit and draw warrants on the funds of the respective road districts, or other funds herein mentioned, when required to pay for right of way, or work, or improvements thereon.

SEC. 3. For all purposes of this Act the townships, as now established in said county, shall be road districts; such road districts to bear the same name as the said townships, and shall be changed only as said townships are, so that the several road districts shall correspond to the several townships. At the next general State election, and at each general State election thereafter, the citizens of each road district shall elect some citizen, resident within said district, Roadmaster thereof, whose term of office shall be two years from the first Monday in March next after his election; *provided, however,* that the Roadmasters in office when this Act shall go into effect shall continue in office until the next general State election, and be subject to all the provisions of this Act. The Roadmasters, before going into office, shall take the usual oath, and file a bond, with two or more sureties, to be approved by the County Judge, in the penal sum of twenty-five hundred dollars.

Road districts defined.

Elections of Roadmasters

Oath and bond.

SEC. 4. The Roadmasters, under the direction and supervision and pursuant to the orders of the Board of Supervisors, must:

Duties of Roadmasters

1. Take charge of the public highways within their respective districts.

2. Keep them clear from obstruction, and in good repair.

3. Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

4. Give two days' notice to the inhabitants of his road district liable to do work on roads, when, where, with what implements, and under whose direction to work, and superintend the same.

5. Collect from each inhabitant notified to work, and who fails to work or prefers to pay it, the commutation fee.

6. Make quarterly reports, or as often as ordered by the Board of Supervisors, of all labor performed in his district, and how all road poll-tax and commutation money were expended, to said Board of Supervisors, under oath.

7. Receive and present petitions for new roads, recommend or disapprove the same, and assist in laying them out.

8. Collect all road poll-taxes in the mode provided for the collection of other poll-taxes, and faithfully account for and

pay over the same. For the purpose of executing this subdivision, the Roadmasters shall have the powers conferred on Assessors by sections thirty-eight hundred and forty-six and thirty-eight hundred and forty-eight, Chapter IX., Title IX., Part III., of the Political Code.

9. Pay over to his successor, or into the fund of his road district in the county treasury, all road moneys in his hands or unexpended.

Compensation of Roadmaster.

10. Receive for his services, from money coming into his hands belonging to his road district, the sum of three dollars for each day's services performed by him, to be audited and ordered paid by the Board of Supervisors; *provided*, he shall not receive, in any one year, a sum exceeding three hundred dollars; *provided further*, he may retain for his own use ten per cent. of the amount collected for road poll-taxes.

SEC. 5. The Roadmaster must attend each session of the Board of Supervisors when road matters of his district are under consideration, or as often as ordered by said Board, and consult and advise said Board of all matters pertaining to the roads of his district.

Taxes, how applied.

SEC. 6. From the property road tax the Board of Supervisors must, annually, set aside thirty-three per cent. of the aggregate for general road and bridge purposes, from which they may respectively direct such amounts to be paid as may be found necessary for such general road and bridge purposes, in which the inhabitants of all the districts are more or less interested. The said Board shall, also, set aside thirty-three per cent. of said aggregate tax for the payment of the outstanding road indebtedness of said county, which said indebtedness must be paid in the order of its registration, and the balance of said road tax shall be distributed to the several road districts in proportion to its taxable property, and kept in separate funds by the County Treasurer, to be designated respectively by the name of the district. In case of any appropriation by the Board, its object must be specified in order therefor. The Board of Supervisors shall have no power to create debt against any road district or any of said funds; and all warrants drawn, and all appropriations made, when there shall be no money in said funds to pay the same, shall be void. Nothing in this Act shall be construed as repealing or interfering with an Act of the Legislature entitled "An Act amendatory of and supplemental to an Act to fund the debt of Solano County, and to provide for the payment thereof," approved January thirtieth, eighteen hundred and sixty-four.

Labor on roads.

SEC. 7. Every male inhabitant of a road district, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as road poll-tax, upon the roads and highways of the district, under the demand and direction of the Roadmaster thereof, or pay said Roadmaster a commutation fee of four dollars.

Roadmaster to file lists.

SEC. 8. Each Roadmaster, on or before the first regular meeting of the Board of Supervisors after the commencement of his term, must file with the Clerk thereof a list of the inhabitants of his district liable for the road poll-tax

therein. The said Board may supervise, add to, and correct said list.

SEC. 9. The Board of Supervisors must each year, prior to the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway and other purposes mentioned in this Act, which may be necessary for the ensuing year, over and above the road poll-tax, and must regulate and fix the amount of property highway tax, and levy the same thereby.

Levy of property road tax.

SEC. 10. At the time of levying the tax as provided in the preceding section, the Board of Supervisors must provide proper blank road poll-tax receipts, to be signed by the Clerk, and must deliver to each Roadmaster a number equal to the number of inhabitants of his district liable for road poll-tax, take receipts therefor, and charge the Roadmaster receiving the same therewith. The Roadmaster shall be liable on his official bond for all poll-taxes not collected, unless he can show such non-collection was without his fault; in such case, credit must be given him for all unsold blank road poll-tax receipts returned to the Board of Supervisors. If, in the opinion of the said Board, said Roadmaster has failed to collect said poll-taxes through his fault or neglect, said Board shall deliver said list to the District Attorney of said county, who shall immediately commence suit on said Roadmaster's bond therefor, against said Roadmaster and his sureties.

Roadmaster to collect poll-tax.

Penalty for neglect.

SEC. 11. The Roadmasters and Board of Supervisors must, from time to time, add to the lists of those liable for road poll-tax the names of those who have been omitted, or who have become inhabitants of said district since the original lists were made, and the Roadmasters shall respectively require of each of the persons on the list of their respective districts, and all others liable to the performance of labor, or the payment of the commutation fee as hereinbefore provided, and apply such labor and commutation money in the opening, maintenance, and repair of the highways and adjuncts in their respective road districts; *provided, however,* the Board of Supervisors may at any time require said money to be paid into the Road Fund of the proper district.

Poll-tax lists may be added to.

SEC. 12. The annual property tax for road purposes must be levied by the Board of Supervisors at the session when the tax is by them levied for county purposes, and must not exceed twenty-five cents on each one hundred dollars in value of taxable property. This property tax, when levied, must be annually assessed and collected by the same officers and in the same manner as other State and county taxes are levied, assessed, and collected, and turned over to the County Treasurer, and distributed as provided in section six.

Property road tax.

SEC. 13. All public bridges must be constructed and maintained by the road districts in which they are to be situated and the districts which they unite, and shall be under the management and control of the Roadmasters and Board of Supervisors, in the same manner as highways, and the expense of constructing, maintaining, and repairing the same shall be paid out of the Road Fund of the district or districts, or the road poll-taxes in the hands of Roadmasters or County

Public bridges.

Treasurer; *provided*, that the Board of Supervisors may order the whole expense of constructing or repairing any of said bridges out of the General Road and Bridge Fund; or, *provided further*, the said Board may levy a special bridge tax therefor, not exceeding one-fourth of one per cent. on the taxable property of the county, annually, till the amount appropriated for such purpose is raised and paid.

Special
bridge tax.

SEC. 14. Roadmasters must not require an individual to work out of the district in which he resides.

Liability of
employers.

SEC. 15. Corporations or other employers of residents in any road district are responsible for the road poll-tax assessed against their employés, and a notice to the employer or managing agent, requiring the payment of the road poll-tax of the employé, charges such employer or corporation with such road poll-tax.

Day's work
defined.

SEC. 16. Each person appearing must actually work ten hours each day, to be credited to him by the Roadmaster; for every hour unnecessarily lost or idled away, he must be charged two hours, to be worked out on some other day under notice from the Roadmaster. Any person may work by an able-bodied substitute.

Delinquents.

SEC. 17. Every person receiving due notice, who does not appear and labor or commute, is delinquent.

SEC. 18. The Roadmaster's acceptance of an excuse for a neglect in no case exempts the person excused from performing or commuting for the whole number of day's work for which he was assessed.

Roadmasters
to account.

SEC. 19. Every Roadmaster must make to the Board of Supervisors quarterly, or as often as required by them, a written account, under oath, containing:

First—The names of all persons assessed to work in his district.

Second—The names of all who have actually worked and the number of days.

Third—The names of all who have commuted and the amount received from them.

Fourth—The names of all delinquents and the amount collected from them.

Fifth—A full return, by items, of the amount of labor and money expended at each separate point, and the manner in which, and the time when the same was done.

Sixth—The number of road poll-tax receipts sold and those returned unsold, and the reasons why unsold.

Seventh—An accurate account of every day he himself was employed, and the nature and items of the service rendered.

Supervisors
to examine
Roadmasters

The Board of Supervisors may examine, under oath, said Roadmasters regarding the matters of his report, and subpoena and examine other persons about the same.

Unexpended
moneys.

SEC. 20. The Roadmasters must accompany their reports with all unexpended moneys remaining in their hands at the date of their report.

Penalty for
failure to
report.

SEC. 21. A failure to make a report, or submit to examination as required, or to pay over, on the order of the Board of Supervisors, any moneys in his hands, subjects the Roadmaster to a penalty of twenty-five dollars, to be recovered in

an action on his bond, together with any balance due from him. Suit therefor must be instituted by the District Attorney, under order of the Board of Supervisors.

SEC. 22. Any ten inhabitants of a road district, taxable therein for road purposes, may petition in writing the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein. Petitions to alter roads, etc

SEC. 23. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof, over what lands, and who the owners thereof are, whether the owners consent thereto, and if not, the probable cost of the right of way, the necessity for, and the advantages of the proposed change. Signing said petition shall be deemed a consent to said road and a waiver of notice of subsequent proceedings. Same.

SEC. 24. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of the probable cost of the viewing, laying out, or altering any road, conditioned that the bondsmen will pay all costs of viewing and surveying, in case the prayer is not granted, and the road finally not opened. Petitioners to give bond.

SEC. 25. Upon filing the petition and bond, the Board must appoint as Viewers, three citizens of the county, as follows: One from their own number, one a practical surveyor, and one disinterested person from the body of the county, and who must be sworn to discharge their duties faithfully. Upon a day named by the Supervisors, or within five days thereafter, the said Viewers shall proceed to view the proposed location, alteration, or vacation, and shall decide whether the same is required for public convenience, taking into consideration private as [well as] public interests. If, in the opinion of the Viewers, the prayer of the petitioners is unreasonable, and the location, alteration, or vacation not necessary, they shall so report to the Board of Supervisors. If, however, in the opinion of said Viewers, the prayer of said petitioners be reasonable, and the location, alteration, or vacation necessary, they shall take to their assistance two chainmen and a marker, who shall be sworn by the Road Viewers, or some one of them, to faithfully discharge their duties, and shall proceed to survey the proposed location, alteration, or vacation, and shall distinctly mark the commencement, courses, and termination of said route. The Viewers shall have the power and authority to make a departure from the line of road as prayed for in the petition, whenever in their judgment it would be to the public interest so to do, from any cause whatever. The surveyor shall make a plat and field notes of said survey, or surveys, when more than one route is surveyed, which shall be filed as a part of the report of said Road Viewers. On or before the first day of the regular meeting of the Board of Supervisors next after that at which said Road Viewers were appointed, or on or before such day as the Board of Supervisors may name, the Viewers shall file with the Clerk of the Board of Supervisors Board to appoint Viewers. Powers of same. Report of Viewers must state.

ors a report of their proceedings, in which they shall set forth:

First—Who of them were present at the view.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation is or is not advisable, or whether any departure from the line as proposed by the petitioners is necessary, and the reasons therefor, if they conclude to recommend a departure.

Fourth—A plat and field notes of the survey, or surveys, if two be made, which shall indicate the lines of inclosures and occupations cut or touched by the projected road or alteration of road; not more than one survey and plat shall be made unless the Viewers shall deem a departure from the line prayed for to be necessary.

Fifth—The expenses of the view and survey, and the cost of any bridging or grading necessary.

Sixth—The amount of damages sustained separately by each and every person owning or in possession of lands through or upon which said location, alteration, or vacation is proposed to be made, which said damages the said Viewers are hereby authorized and directed to assess and determine.

Seventh—The width of the road, which shall not be less than fifty feet.

Eighth—The said Viewers, in making their report of damages, shall take into consideration the benefits arising from every road to the parties to whom they allow damages, and they shall report as to what the benefits consist.

Compensation for services.

SEC. 26. The Viewers must be paid three dollars each for their services, out of the Road Fund of the district through which the road passes, and the surveyor his legal fees for services in running out and mapping the road, and making the plat and field notes, which must be filed, when required, before he receives his compensation.

Hearing of report of Viewers. Notice of.

SEC. 27. The Board of Supervisors, after said report shall be filed, must fix a day for hearing the same, must notify the owners of land, not petitioners, of such hearing, or if a departure be made as provided for in section twenty-five, notify such petitioners whose land is affected by said departure, by written notice served on each of them personally, or on the occupant or agent of the owner, or if neither, by posting notice at the most conspicuous place on the land, or left at the owner's, or occupant's, or agent's residence ten days prior to the day fixed for the hearing. If the owner or claimant is a minor, an idiot, or insane person, notice to the guardian of such minor, idiot, or insane person shall be sufficient. The said notice must be served at least ten days prior to the day of hearing, and must contain a description of said route, its commencement, course, and terminus, and a direction for the party served to appear before the Board of Supervisors, at the time specified, to show cause why the report of said Viewers should not be confirmed, and file with the Board a statement of the kind and amount of damages sustained by reason of said location, alteration, or vacation. The Board of Supervisors, on the day fixed for the hearing, or on that to which it shall be postponed or adjourned, after due proof

by the return of the officer making service, or by affidavit, if made by a person other than an officer, must hear evidence and proof from all parties interested for and against the report of the Viewers, ascertain and declare the amount of damage sustained by non-consenting land owners, and declare the report of the Viewers to be approved or rejected; *provided*, that the failure to appear before the Board and claim damages shall be a waiver of the same, and shall be deemed a consent to the location, alteration, or vacation of road as reported by the Viewers. If the report be rejected, the road must not be located, altered, or vacated. Instead of personal service herein provided, the Board of Supervisors may cause said notice to be served on all parties by publication in a newspaper published in said the road district where said route is situate, and if there be no newspaper published in said district, then in some newspaper published in the county, at least once a week for four successive weeks. The notice is served if the publication be complete ten days before the day set for hearing. If all persons interested appear, notice need not be given.

SEC. 28. If the Board approve the report, and there are no non-consenting land owners, the road must be declared to be located, altered, or vacated, as the case may be, and the Roadmaster ordered to open or discontinue the same. If there are non-consenting land owners the Board must appropriate from the Road Fund of the district or districts, and cause the Roadmaster to tender to such non-consenting land owners the award of damages made by the Board. If the said tender be not accepted, the amount of said award must be deposited with the Clerk of the District Court to await the conclusion of the proceedings provided for in the next section.

Approval of report.

SEC. 29. If any award of damages is rejected by the non-consenting land owners, the Board must, by an order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Three, of the Code of Civil Procedure; and when thereunder the right of way is procured, the road must be declared a public highway, and opened or discontinued as hereinbefore provided. If said land owner shall fail to recover a larger sum than that awarded by the Board of Supervisors and tendered, he shall be liable for the costs of said proceeding.

Rejection of award. Right of way.

SEC. 30. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund of the district on the order of the Board of Supervisors. If the road lies in more than one district the Supervisors must proportionately divide the awards and other costs between them.

Awards, how paid.

SEC. 31. Private or by-roads may be opened for the convenience of one or more residents of any road district, in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened; the person for whose benefit the same

Private roads.

is required paying the damages awarded to land owners and keeping the same in repair.

Lands taken
to be
described.

SEC. 32. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned, either as instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the order of the Board locating or altering the same, or a certified copy of the decree of the Court condemning the same, must be filed and recorded in the office of the Recorder of the county, in which the land so conveyed, condemned, or occupied by said road, must be particularly described.

Crossing
railroads.

SEC. 33. Whenever highways are laid out to cross railroads, canals, or ditches on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same.

Notice to
remove
fences.

SEC. 34. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased or condemned by order of Court, or on land in any way taken for road purposes under the provisions of this Act, notice to remove the fences must be given by the Roadmaster to the owner, his occupant or agent, or by posting the same on the fence; and if the same be not done within ten days thereafter, or commenced or prosecuted as speedily as possible, the Roadmaster may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

SEC. 35. Article Seven, Chapter Two, Title Six, Part Three, of the Political Code, as amended by an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four, except section two thousand seven hundred and twenty-four, two thousand seven hundred and twenty-five, and two thousand seven hundred and twenty-eight, is hereby made applicable to Solano County.

Supervisors
to repair
bridges in
certain cases.

SEC. 36. If the Roadmaster of any road district chargeable with the repair of any bridge, fails to make the needed repairs after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situated, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the district chargeable therewith; *provided, however,* if the Roadmaster have funds in his hands, or if he have no funds by reason of his fault or neglect in not collecting the road poll-tax, he shall be responsible for accidents or damage that shall occur by reason of said bridge being out of repair.

Roadmaster
liable.

SEC. 37. Article VIII., Chapter II., Title VI., Part III. of the Political Code, as amended by said Act of March thirtieth, eighteen hundred and seventy-four, is hereby made applicable to Solano County.

SEC. 38. It shall be unlawful for any public highway in Solano County to be used for pasturage purposes, and any stock found trespassing therein in violation of this section, may be taken up by the Roadmaster of the road district in which such trespass is being committed, or by any citizen thereof, and placed in the possession of said Roadmaster, who shall proceed in relation to the same in the manner provided for the taking up, giving notice to owners, advertising, keeping, and sale, in an Act entitled "An Act to protect agriculture and prevent the trespassing of animals upon private property," approved March twenty-seventh, eighteen hundred and seventy-two; *provided, however*, this section shall not apply to any town or city in said county; *and provided further*, that nothing in this section shall be construed to take away or interfere with the powers vested in said towns or cities by their charters or Acts of incorporation.

Trespass by
live stock.

CHAP. CCXLVII.—*An Act to provide for the care and maintenance of inebriates and certain insane persons in the City and County of San Francisco.*

[Approved March 17, 1876.]

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

SECTION 1. The fines and forfeitures, not exceeding eight hundred dollars in the aggregate, in any one month, imposed and collected by the Police Judge's Court, in and for the City and County of San Francisco, from persons arrested for being drunk or under the influence of liquor, shall be, by the Clerk of said Police Judge's Court, immediately paid to the President, Secretary, and Treasurer, or a majority of them, of the Home for the Care of Inebriates, of said city and county, for the support and maintenance of said Home for the Care of Inebriates, and the construction and improvement of a building for said Home for the Care of Inebriates; and the said President, Secretary, and Treasurer, and each of them, shall give a good and sufficient bond in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the County Judge of said city and county, for the faithful management and disbursement of the moneys received by them under the provisions of this Act; and the said President, Secretary, and Treasurer shall, semi-annually, and as often as they may be required by the Board of Supervisors of said city and county, report, under oath, to said Board, a detailed statement of all their receipts and disbursements of said moneys; and neither the President, Secretary,

Fines,
forfeitures
etc., for
benefit of
inebriates.

Bonds of
officers.

Treasurer, nor any Trustee of said Home shall be entitled to or receive any fee, salary, emolument, or reward of any kind whatsoever, for any services rendered by them or either of them as such officers.

Clerk of
Court to
take receipts

SEC. 2. The Clerk of said Police Judge's Court shall take from the President, Secretary, and Treasurer aforesaid, or a majority of them, a receipt in duplicate for all money paid to them under the provisions of this Act, one of which he shall file in the said Police Judge's Court and the other with the Clerk of the Board of Supervisors of said city and county.

Insane
persons.

SEC. 3. All persons in said city and county charged with being insane, and pending their examination, or found to be insane and en route for a State Insane Asylum, shall be placed in the said Home, and shall be cared for by the officers thereof while in said Home, without charge to said city and county.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and an Act entitled "An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco," approved April twenty-fifth, eighteen hundred and sixty-three, is hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAP. CCXLVIII.—*An Act making appropriations for deficiencies for the twenty-sixth and twenty-seventh fiscal years ending June thirtieth, eighteen hundred and seventy-six.*

[Approved March 17, 1876.]

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

Appropriations.

SECTION 1. The following moneys are hereby appropriated out of the General Fund of the State for the objects herein named: For deficiency in appropriation for transportation of insane, twenty-five thousand dollars; for deficiency in appropriation for transportation of prisoners, six thousand dollars; for deficiency in appropriation for printing, paper, and official advertising, forty-two thousand dollars; for construction of State Capitol, five thousand dollars; for deficiency in appropriation for pay of permanent employes of State Capitol building and grounds, thirty-six hundred dollars; for deficiency in appropriation for support of State Prison, forty-two thousand dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXLIX.—*An Act to appropriate moneys for the purpose of insuring the State Printing Office.*

[Approved March 17, 1876.]

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, for the purpose of paying the premium on a policy of insurance against fire upon the building known as the Governor's Mansion, and the materials therein, effected by the Board of State Capitol Commissioners. Appropriation.

SEC. 2. The Controller of State is directed to draw his warrant in favor of the insurance company by whom the said building and materials are assured, for the said sum of eleven hundred dollars, or so much thereof as may be allowed and audited by the Board of Examiners; and the Treasurer of State is directed to pay the same, as provided in section one of this Act. Controller to draw warrant.

SEC. 3. This Act shall take effect immediately.

CHAP. CCL.—*An Act for the relief of James H. Clark.*

[Became a law by virtue of Section 17, Article IV. of the Constitution, March 18, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, out of the General Fund of said city and county, the sum of five hundred dollars, to pay the claim of James H. Clark, late Health Inspector of the said city and county; and the Auditor of said city and county is hereby authorized and directed to audit said claim, and the Treasurer of said city and county is hereby directed to pay the same out of the General Fund of said city and county as aforesaid. Appropriation to pay claim.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it has become a law this eighteenth day of March, A. D. eighteen hundred and seventy-six.

THOMAS BECK, Secretary of State.

CHAP. CCLI.—*An Act appointing and empowering Charles F. Irwin a Trustee to execute certain trusts, directing the manner of executing the same and the use of the funds arising therefrom.*

[Approved March 18, 1876.]

Preamble.

WHEREAS, The Government of the United States has, by letters patent, dated the tenth day of September, A. D. one thousand eight hundred and seventy-two, granted to the corporate authorities of the City of Placerville, in trust for the several use and benefit of the occupants of said city, certain lands in said patent described; and whereas, in consequence of the death and resignation of said officers, and the expirations of the terms of office for which they were severally elected, there no longer exists in said city any corporate authorities to execute the trusts imposed by the Act of Congress, under which said patent was issued, and by the Act of the Legislature entitled "An Act to authorize and direct the municipal authorities of the several cities and incorporate towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns of this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March second, one thousand eight hundred and sixty-seven," approved March twenty-fourth, one thousand eight hundred and sixty-eight.

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

Appoint-
ment of
Trustee,
with power
to execute
certain
trusts

SECTION 1. Charles F. Irwin, of El Dorado County, in this State, is hereby appointed a Trustee, and as such is authorized and empowered to execute the trusts devolved upon the corporate authorities of said city by said Acts, so far as to take and accept the proofs and payments for lots and parcels of land, as is required to be made by section seven of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, and to execute certificates and deeds of conveyance to the parties entitled thereto, in the manner hereinafter provided.

Claimants of
lands to
file affidavit,
etc

SEC. 2. Every person, company, corporations, or claimants of any lot or parcel of land within the limits of said city, who, prior to the passage of this Act, shall not have complied with the provisions of the said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, or with the provisions of an Act of the Legislature of this State, entitled an Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city, approved March twenty-eighth, one thousand eight hundred and seventy-four, may, at any time within six months from and after the passage of this Act, present to said Trustee, Charles F. Irwin, an affidavit, verified in person, or by duly authorized agent or attorney, in which affidavit shall be concisely stated the facts constituting the possession, or

right of possession of the claimant, and showing, to the best of affiant's knowledge and belief, that said claimant is entitled to the possession of such lot or parcel of land, as against all other persons or associations, to which affidavit shall be attached a copy of so much of the plat of said city as will fully exhibit the particular lot or parcel of land so claimed, with the abutments. And every such claimant, at the time of presenting such affidavit, shall pay to said Trustee, for the use hereinafter prescribed, such sum of money as shall be due thereon for assessment, as mentioned or required by section six of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, or by any other Act or Acts relating to the same subject. And said Trustee shall thereupon give to such claimant a certificate, containing a description of the lot or parcel of land claimed, and setting forth the amount claimed thereon by said claimant.

SEC. 3. At the expiration of three months from and after the first day of March, one thousand eight hundred and seventy-six, any person, association, or claimant, to whom a certificate shall have been issued, as provided in the preceding section, or who may heretofore have received a similar certificate from the corporate authorities or City Clerk of said city, may present the same to said Trustee, and if no adverse claim shall have been presented to said Trustee, he shall execute and deliver to such claimant, or to his, her, or their heirs, administrators, assigns, or legal representatives, a deed of the premises described in such certificate, designating and describing the same by number of the lot and block, as shown upon the official plat and map of said city. And that all deeds heretofore executed and delivered by said city authorities, or by any *de facto* Trustee of said trust, to any claimant or claimants, his, her, or their assigns and legal representatives, are hereby legalized, confirmed, and established; and shall be taken, deemed, and adjudged as good and sufficient conveyances, in fee simple, of the lot or lots, land or lands therein described.

Trustee to deliver deed to claimant, when no adverse claim.

SEC. 4. In case of any adverse claim to any such lot or parcel of land, or conflict of boundary lines relating thereto, the party out of possession shall commence his action in a Court of competent jurisdiction within three months from and after the first day of March, A. D. one thousand eight hundred and seventy-six, and shall, within said time, serve a notice of the pendency of such action upon said Trustee, and said Trustee shall execute and deliver a deed in accordance with the final judgment rendered in such action; *provided*, if no such action shall be commenced within three months from and after the first day of March, one thousand eight hundred and seventy-six, a deed shall be executed and delivered by said Trustee to the party in possession.

When adverse claim, action to be commenced.

SEC. 5. The deeds that may be executed under the provisions of this Act shall have the same force and effect as if executed by the corporate authorities of said city, under and by virtue of the provisions of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight; and for the purpose of fully executing and administering said trust

Deeds by Trustee to have full force and effect.

in accordance with the beneficial intent and meaning of the Acts of Congress and of this State in relation thereto, and of supplying, revising, perfecting, or confirming any or all acts or omissions of the corporate authorities or City Clerk of said city, or of the Trustee hereby appointed, and of granting general relief in the premises, in accordance with sections two thousand two hundred and eighty-seven, two thousand two hundred and eighty-eight, and two thousand two hundred and eighty-nine of Article Six, Title Eight, Volume Two of the Civil Code, the District Court of the Eleventh Judicial District, at any term of said Court, in and for the County of El Dorado, upon the verified petition, duly filed therein, of one or more of the parties and claimants beneficially interested in said trust, shall be deemed and taken to have jurisdiction of the subject-matter, and of all the parties and claimants aforesaid, and the final judgment of said Court in the premises shall be conclusive as to the parties and claimants interested, and as to all jurisdictional facts.

Fees of Trustee.

SEC. 6. The said Trustee shall receive, in full compensation for all services performed by him under this Act, from and including the execution and issuance in each case of a certificate and deed, or of a deed, where a certificate shall have been previously issued, the sum of two and one-half dollars in U. S. gold coin, to be retained by him for lands and assessments, in accordance with section six of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight, and all Acts amendatory thereof and supplementary thereto.

Trustee to have custody of city records.

SEC. 7. The said Trustee shall be entitled to the possession and custody of all the books, records, and papers having reference to said lands or claimants, had, held, or used by the late corporate authorities or City Clerk of said city, and shall make entries in said books of all his transactions as such Trustee, so far as practicable, in the manner required by the corporate authorities of said city by section seven of said Act of March twenty-fourth, one thousand eight hundred and sixty-eight. And when all the business herein required of said Trustee shall be completed, he shall deposit the books, records, and papers aforesaid, then in his hands, in the office of the County Clerk of the County of El Dorado, where they shall remain subject to the inspection of all persons, in like manner and with the same effect as other public records in said office.

Expenses of office.

SEC. 8. Out of the moneys collected for assessments, as provided in section two of this Act, the Trustee shall pay for the stationery, printing, and other necessary expenses incident to the transaction of said business; and when said business shall be completed, if any balance shall remain in his hands unexpended, he shall advertise, by one insertion in each of the newspapers published in said city, for sealed proposals for the surrender of "Fire Bonds" issued by and now outstanding against said city, and shall pay the same to the holder or holders thereof who shall in such proposal

Surrender of fire bonds.

agree to surrender the largest amount of such indebtedness for such money.

SEC. 9. The Act entitled "An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city," approved March twenty-eighth, one thousand eight hundred and seventy-four, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

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

CHAP. CCLII.—*An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in Santa Clara and Los Angeles Counties.*

[Approved March 18, 1876.]

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

SECTION 1. Any artesian well which is not capped, or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of water from such well, is hereby declared to be a public nuisance. The owner, tenant, or occupant of the land upon which such well is situated, who causes, permits, or suffers such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor.

Certain wells declared a nuisance.

SEC. 2. Any person owning, possessing, or occupying any land upon which is situated an artesian well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

Misdemeanor.

SEC. 3. An artesian well is defined, for the purposes of this Act, to be any artificial well, the waters of which will flow over the natural surface of the ground adjacent to such well, at any season of the year.

"Artesian" well defined.

SEC. 4. Waste is defined, for the purposes of this Act, to be the causing, suffering, or permitting the waters flowing from such well, whether naturally or artificially raised to the surface, to run into any river, creek, or other natural water-course or channel, or into any bay, lake, or pond, or into any street, road, highway, or sewer, or upon the land of any person other than that of the owner of such well, or upon public lands of the United States or of the State of California, unless it be used thereon for the purposes and in the manner that it may lawfully be used upon the land of the owner of such well; *provided*, that this section shall not be so construed as to prevent the use of such waters for the proper irrigation of trees standing along or upon any street, road, or highway.

What constitutes waste.

SEC. 5. Any person violating any of the provisions of this Act may be proceeded against for a misdemeanor, in any Justice's Court of the county in which such well is located,

Penalty for maintaining nuisance.

and shall, upon conviction, be fined for each offense not less than ten or more than fifty dollars. There shall also, upon conviction had, in addition to such fine, be taxed against such party the cost of the prosecution. Such fine and costs may be enforced by imprisonment, as in other criminal cases, and the Justice may also issue an execution upon the judgment therein rendered, and the same may be enforced and collected as in civil cases.

Roadmasters
to examine
wells.

SEC. 6. It shall be the duty of the Roadmasters to examine the artesian wells within their respective districts, and for that purpose may at all proper times enter upon the premises where such well is situated; and it shall be his duty to institute, or cause to be instituted, criminal action for all violations of the provisions of this Act, or for all public offenses defined in this Act, committed within such district.

SEC. 7. This Act shall take effect and be in force from and after the first day of July, A. D. eighteen hundred and seventy-six, and shall apply only to Santa Clara and Los Angeles Counties.

CHAP. CCLIII.—*An Act to provide for the payment of the claim of John Breuner.*

[Approved March 18, 1876.]

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

Appropriation.

SECTION 1. The Controller of this State is hereby directed to draw a warrant upon the appropriation for contingent expenses of Assembly for the sum of seventy dollars and sixty-two and one-half cents, in favor of John Breuner; said warrant to be for payment in full of his bill, dated January eighth, eighteen hundred and seventy-six, for shelves for desks of members of the Assembly, and for other purposes.

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

CHAP. CCLIV.—*An Act to provide for the distribution of school money in certain counties.*

[Approved March 13, 1876.]

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

Counties
affected, ap-
portionment.

SECTION 1. The County Superintendents of the Counties of Fresno, Contra Costa, Shasta, Lassen, shall apportion the school moneys as follows :

First—He shall apportion five hundred dollars to each school district.

Second—He shall ascertain the number of census children required to be entitled to five hundred dollars, if a pro rata distribution of all school moneys were made, and the excess, after apportioning five hundred dollars to each school district in the county, shall be apportioned among the districts having a greater number of census children than required to be entitled to five hundred dollars, in proportion to the number in each district in excess of said number; *provided*, that in Fresno County, Contra Costa County, and Shasta County no district which is entitled to only one teacher shall receive more than twelve hundred dollars, and no district shall be considered entitled to two teachers unless that district sustain two separate schools, or one school which has an average daily attendance of more than sixty students, as shown by the school register of that district for the next preceding year; and if there be an excess of money in such district, it shall be redistributed among the other districts, as provided in this Act.

SEC. 2. This Act shall take effect and be in force from and after the thirtieth (30) of June, eighteen hundred and seventy-six.

CHAP. CCLV.—*An Act fixing the number of Supervisors of Humboldt County.*

[Approved March 18, 1876.]

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

SECTION 1. Humboldt County is hereby constituted a county of the second class, within the meaning of and for the purposes designated by section four thousand and twenty-two of the Political Code. Supervisors to redistrict county.

SEC. 2. The Board of Supervisors of Humboldt County must redistrict said county into five supervisor districts, as nearly equal in population as may be. At the first election hereafter, at which any Supervisor is by law to be elected, Supervisors must be elected for each new district to be created by virtue hereof. Election.

CHAP. CCLVI.—*An Act supplementary to an Act to incorporate the City of Eureka, approved February tenth, eighteen hundred and seventy-four.*

[Approved March 18, 1876.]

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

SECTION 1. Whenever a vacancy shall occur in the office of Mayor, or any other elective office of the City of Eureka, Vacancies in office, how filled.

including members of the Common Council, but excepting the office of City Police Judge, the Common Council of said city shall have power to fill such vacancy by appointment for the unexpired term of such office, and until a successor be elected and qualified; *provided*, that vacancies in the office of Assessor or Tax Collector shall be filled at an election called for that purpose by the Common Council in pursuance of a city ordinance.

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

CHAP. CCLVII.—*An Act to fix the terms of the County Court of San Benito County.*

• [Approved March 18, 1876.]

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

Terms fixed. SECTION 1. The terms of the County Court, in and for San Benito County, shall be held on the second Monday of February and May, third Monday of August, and second Monday of November, of each year.

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

CHAP. CCLVIII.—*An Act to amend an Act entitled "An Act to incorporate the City of Eureka," approved February tenth, eighteen hundred and seventy-four.*

[Approved March 18, 1876.]

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

Annual tax. SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Section 8. The Common Council shall levy, annually, on all property within the city limits, a tax not exceeding one per centum upon the assessed value thereof. Every tax due on personal property is a lien upon the real property of the owners thereof, from and after the time the personal property is assessed; and every tax due on real property is a lien upon the property assessed.

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

CHAP. CCLIX.—*An Act to repeal all special road laws now in force and relating to the County of Del Norte.*

[Approved March 18, 1876.]

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

SECTION 1. All road laws now in force and relating to the County of Del Norte are hereby repealed. Laws repealed

SEC. 2. This Act shall take effect and be in force from and after the first Monday in November, A. D. eighteen hundred and seventy-seven.

CHAP. CCLX.—*An Act to establish pounds in the County of San Mateo.*

[Approved March 18, 1876.]

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

SECTION 1. The Board of Supervisors of the County of San Mateo may, from time to time, establish one or more pounds in each of their respective districts, and they may change or abolish the same. Supervisors to establish pounds.

SEC. 2. Said Board of Supervisors shall appoint a Pound-keeper for each pound established by them, and he shall hold his office for the term of one year, and until his successor is appointed and qualified. If the Pound-keeper shall fail or refuse to qualify or to act, or if a vacancy shall at any time occur from any cause, said Board shall make a new appointment. Pound-keepers.

SEC. 3. Said Board of Supervisors shall, from time to time, establish the rate of fees and charges to be paid to the Pound-keeper for receiving, keeping, and feeding the several kind of beasts authorized by this Act to be impounded, and such rate of fees and charges shall be kept posted up by the Pound-keeper, in some conspicuous place at his pound, but neither such fees or charges, nor the costs or charges of establishing, furnishing, or maintaining the pound, shall be paid out of the county treasury. Supervisors to fix rates of fees.

SEC. 4. Any person finding any horse, mare, mule, jack, jenny, or any other animals, sheep, hogs, or goats trespassing on his land, may recover all damages by him sustained by the incursions and trespassing of such animals, by a civil action against the owners thereof, as provided by an Act entitled an Act to protect agriculture and to prevent trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two, or by distraining the beasts doing damage as aforesaid, and proceeding therewith as hereinafter directed. Damages for trespass.

Animals to
be im-
pounded.

SEC. 5. The beasts so distrained for doing damage shall, within twenty-four hours after being distrained, be driven to the nearest pound in said county, and shall be placed in the custody of the Pound-keeper of said pound, who shall furnish them with suitable food and water while they remain impounded.

Distrainer to
state cause,
etc.

SEC. 6. The distrainer of such beasts shall leave with the Pound-keeper a memorandum in writing under his hand, stating the cause of the impounding, the sum that he demands from the owner of said beasts for damages done by the beasts, and the name of the owner or keeper of such beasts, if known to him, and the kind and number of such beasts, and their marks and brands, if they have any, and the Pound-keeper shall enter the same, or an abstract thereof, in a book kept by him for that purpose, and keep a list of such beasts, while they remain in his custody, posted up at his pound.

Charges to
be prepaid.

SEC. 7. The Pound-keeper, when the beasts are in his custody, shall not deliver them to the owner or keeper until said owner or keeper pays him his fees and charges, the sum demanded by the distrainer for his damages, the expense of advertising the beasts, if they have been advertised, and all other legal costs and expenses.

Distrainer to
give notice.

SEC. 8. When beasts are impounded, the distrainer shall, within twenty-four hours thereafter, give notice of such impounding in writing to the owner or keeper thereof, if known to him, and living within ten miles of the place of distraining, which notice shall be delivered to the party or left at his place of abode. Said notice shall contain a description of the beasts, with their marks or brands, if any, and a statement of the time, place, and cause of impounding, and the claim for damages.

Manner of
giving
notice.

SEC. 9. If there is no person entitled to the notice according to the preceding sections, and the proper person does not appear to claim the beasts impounded, the distrainer shall, within forty-eight hours after their being impounded, post notices in at least three public places in the township where they were distrained, stating therein the description of the beasts, the time and place and cause of their being distrained, by whom distrained, and the damages claimed by the distrainer, and the place where impounded. In case the value of the animals shall exceed fifty dollars, the distrainer shall, within ten days after the animals have been impounded, cause a like notice to be published weekly for three successive weeks in a newspaper of general circulation in said county. The posting and publication of the notices may be proved by the affidavit of any person knowing the same to have been done; and the cost of posting and publication shall be the same as in cases of sales of property by Constables, and shall be paid as other costs and charges are herein required to be paid.

When
charges may
be deter-
mined by
referees.

SEC. 10. If the owner or keeper of the beasts is dissatisfied with the claims for damages presented by the distrainer, he may, within five days after the notice has been given to him, or after the advertisement as above provided for, have the

amount for which he is liable ascertained and determined by referees, one of which to be selected by the distrainer, one by the owner, and a third by the two referees selected as above. If the two referees first mentioned cannot agree upon the third, or if either of the parties fail or refuse to select a referee as above provided for, he or they shall be appointed by the Justice of the Peace nearest to the place where the beasts are distrained. Said parties may agree upon a less number of referees; and the said referees selected shall, if required by either of the parties, be sworn, and shall, within two days after their appointment, ascertain and determine the amount of such claim for damages, and forthwith return the result of their agreement in writing to the Pound-keeper. The referees shall be entitled to the same fees as jurors in civil cases before a Justice of the Peace. If said referees reduce the amount of the distrainer's claim more than ten per cent., he shall pay said fees; and if not so reduced, such owner or keeper shall pay such fees.

Fees of referees.

SEC. 11. If the sum for which the beasts were impounded, with fees, charges, and expenses above provided for, be not paid within two days after notice of impounding has been given as above directed, or after the last publication in a newspaper as above directed, and if referees have not been appointed as above provided for, the distrainer shall apply to the said Justice of the Peace and obtain the appointment of three referees, who shall ascertain and determine the amount of damages for which the beasts have been impounded, and return the same in writing to the said Justice of the Peace and said Pound-keeper.

Justice of the Peace.

SEC. 12. If the amount found due by the referees for damages, and the fees, costs, and expenses above provided for, be not paid forthwith, the Pound-keeper shall sell the said beasts, or so many thereof as may be necessary to pay said damages, fees, costs, and expenses, and accruing costs, at public auction, after advertising the time and place of sale not less than five days, in the same manner as in case of sales of personal property under execution by Constables.

When the Pound-keeper may sell.

SEC. 13. The Pound-keeper shall, within five days after such sale, pay the proceeds thereof, after deducting said damages, fees, costs, and expenses, to the County Treasurer of said county, and file his receipt thereof with the County Auditor of said county. If any person shall, within two years thereafter, show to the Board of Supervisors of said county that he is entitled to the said sum of money, or any portion thereof, they shall order the same to be paid to him, and if the same shall not be so ordered to be paid within two years, then it shall be paid by said Treasurer into the Common School Fund of said county.

Proceeds of sales, how disposed of.

SEC. 14. Each and every Constable of the County of San Mateo shall have the power, and it is hereby made his duty, to take up and impound all beasts named in section four of this Act found running at large on the public roads and highways of said county, in the manner heretofore in this Act provided; and said Constable shall receive as his com-

Powers of Constables.

penetration for his services the sum of one dollar for each beast so impounded, and such mileage as is allowed by law for service of summons in civil cases.

SEC. 15. In all actions and prosecutions wherein the legality or sufficiency of proceedings under this Act are in issue or brought in question, this Act shall be liberally construed, and only a substantial compliance with the provisions thereof shall be required to be proved.

SEC. 16. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAP. CCLXI.—*An Act to authorize the appropriation of five thousand dollars from the General Fund of the City and County of San Francisco for the maintenance and support of the fire-alarm and police telegraph of said city and county.*

[Approved March 18, 1876.]

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

Appropriation.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund of said city and county, the sum of five thousand dollars, which amount has been heretofore allowed and ordered paid in excess of the allowance provided by law, in the purchase of a repeater, automatic non-interfering fire-alarm boxes, trap-locks and keys, and other material required for the fire-alarm and police telegraph of said city and county. The Auditor of said city and county is hereby directed to audit, and the Treasurer to pay the said amount out of the General Fund of said city and county.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXII.—*An Act to amend an Act entitled "An Act to abate the squirrel nuisance in certain counties in the State of California," approved March tenth, eighteen hundred and seventy-four.*

[Approved March 18, 1876.]

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

Supervisors to create squirrel inspection districts and appoint inspectors.

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section 3. The Board of Supervisors may, in their discretion, create squirrel inspection districts, composed of one or more school districts, and may,

in their discretion, appoint one suitable person in each of the said districts to the office of Squirrel District Inspector. Said Board shall be governed, as far as practicable in their judgment for the best interests of the district, in making such appointments, by the recommendation of the land owners, claimants, and occupants of land in said districts. The appointee shall qualify with the usual oath of office and such bond as the Board of Supervisors may require, and hold office at the pleasure of said Board of Supervisors. The Board of Supervisors may fill any vacancy that may occur from any cause in the said office, and the said Inspector shall be held responsible to the owner or occupants for any unreasonable or unnecessary damage that may occur in entering upon lands for the purpose of destroying squirrels.

Vacancies,
etc.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows: Section 7. When there has been refusal or neglect for two weeks by any land owner, claimant, or occupant of land in any squirrel inspection district provided for by this Act, to comply with the provisions of the last preceding section of this Act, the Inspector of said district shall employ men and means sufficient and proceed at once to destroy the squirrels upon such neglected lands, and shall cause to be filed a notice of such intention in the Recorder's office of the county, designating the name of the delinquent owner, if known, and the land by name, or other description sufficient for its identification, shall serve notice in writing upon the occupant of such land of having filed such notice of intention, and shall keep an exact account of all expenses, including his own per diem, incurred upon such neglected lands, as owned, claimed, or occupied separately, and, together with the description of the land as above provided, file the same with the County Recorder; *provided*, when separate pieces or tracts of lands shall belong to the same owner, work shall be done on all such separate tracts, and be included in the same filing, which shall be done on the completion of the work; *and provided*, that the owner, claimant, or occupant may present himself to the said Inspector at any time before the filing of such accounts and settle the same by paying all actual expenses. The said Inspector in such case will omit the filing and pay himself and employés for the work done on the land so settled for. Immediately after the filing of the aforesaid accounts and description of land, the County Recorder shall add ten per cent. of such accounts, and shall proceed immediately to record the same in a book to be by him kept for that purpose. The said record shall be deemed to impart constructive notice of the aforesaid lien to all persons, and shall be deemed to relate to the time of filing the notice of intention as herein provided.

On refusal or neglect of owners to comply, Inspector to proceed.

SEC. 3. Section nine of said Act is hereby amended so as to read as follows: Section 9. The Inspector shall, when he has reason to believe there are squirrels in any part of his district, inspect any tracts he has reason to believe are infested, and if the squirrels are found upon private lands owned, claimed, or occupied, and no sufficient or adequate

Same.

means, in his judgment, are being used to destroy the same, he shall employ all necessary help and means and proceed at once to destroy the squirrels thereon, in like manner as provided for destroying squirrels upon neglected lands in section seven of this Act, and he shall keep and file exact accounts and descriptions of the land, as provided for in said section. If the squirrels are upon public lands, unoccupied, he shall proceed in like manner, and file his account, as provided for in section eight of this Act.

Inspector's
account,
District
Attorney to
recover by
suit.

SEC. 4. Section eleven of said Act is hereby amended so as to read as follows: Section 11. When the account of any Inspector has been on file with the County Recorder sixty days unpaid, the said Recorder shall pass the account over to the District Attorney, and the District Attorney shall add fifteen per cent. to the account for attorney's fees, and then he shall bring suit in the name of the people of the State of California, in the proper Court, to recover the amount of the account and percentage. He may bring as many actions, either to foreclose the lien or against the person liable in the premises, as may be necessary to enforce the claim. Service of summons in all suits to be made the same as in other civil actions; *provided*, that when there is more than one cause of action against the same party, they shall all be embraced in one suit; *and provided further*, that when it becomes necessary to make service by publication, the Board of Supervisors shall notify the owners or publishers of all the newspapers in the county of their intention to publish said summons, and award the publication to the lowest bidder therefor.

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

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

CHAP. CCLXIII.—*An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city, approved April fourth, eighteen hundred and sixty-four.*

[Approved March 18, 1876.]

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

SECTION 1. Section three of an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts, and places in the said city, approved April fourth, eighteen hundred and sixty-four, is hereby amended so as to read as follows: Section 3. The City Council may order any work authorized by section two of this Act to be done after notice of their intention so to do, in the form of a resolution describing the work and signed by the Clerk of said Council, has been published for a period of ten days. At the expiration of any notice of intention, as hereinbefore provided, the City Council shall be deemed to

City Council
to give
notice of
intention.

have acquired jurisdiction to order any of the work to be done, or to be afterwards improved, which is authorized by section two of this Act; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Council in relation to the work mentioned in such notices of intention, shall file with the said Clerk a petition or remonstrance wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition or remonstrance shall be passed on by the said City Council, and their decision therein shall be final and conclusive. The owners of more than one-half in frontage of the lots and lands fronting on the work proposed to be done and designated in said resolution (excepting work proposed to be done on Broadway Street, and work proposed to be done in the construction of sewers, cess-pools, man-holes and culverts in said city), may make written objections to said proposed work within ten days from the first publication of said resolution. Said objections shall be delivered to the Clerk of the said City Council, who shall indorse thereon the date of their reception by him; and such objections so indorsed shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners as aforesaid shall sooner petition for the same to be done; *provided*, that one-half or more in width or in length of any street lying and being between two main streets crossings have been already improved as aforesaid, said City Council may order the remainder improved, notwithstanding the objections of property owners fronting thereon. Before passing any ordinance for the construction of said improvements, plans, specifications, and careful estimates shall be furnished the said City Council by the City Marshal of said City of Oakland, if required by them.

Remonstrances.

Council may order work done.

CHAP. CCLXIV.—*An Act concerning roads and highways in the County of San Joaquin.*

[Approved March 18, 1876.]

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

SECTION 1. Highways are roads, streets, alleys, and bridges, opened or erected, laid out, and declared to be such by public authority, or if laid out, opened, or erected by others, deeded, conveyed, dedicated, or abandoned to the public.

Highways defined.

SEC. 2. Roads laid out and recorded as highways, by order of the Board of Supervisors or public authority, are highways. Whenever any corporation, owning a toll-bridge, or turnpike, plank, or common wagon road, is dissolved, or has expired by limitation or non-use, the bridge or road becomes a highway.

Same.

Highways defined.

SEC. 3. Roads laid out, as provided in sections one and two of this Act, shall not be vacated or cease to be a highway until so ordered by the Board of Supervisors.

Clerk to keep road records.

SEC. 4. The Clerk of the Board of Supervisors must keep a book in which he shall record separately, and properly index, all proceedings of the Board relative to the public roads in his county; and the Board of Supervisors shall give each highway and road an appropriate name, which may be changed by the Board whenever the same may be deemed necessary, and each road shall be entered and indexed in the proper book by the Clerk of the Board, by its name.

Right of way.

SEC. 5. By taking or accepting land for a highway, the public acquire only the right of way, and the incidents necessary to enjoying and maintaining the same, subject to the regulations contained in the Political and Civil Codes, and the Code of Civil Procedure.

Duties of Supervisors

SEC. 6. The Board of Supervisors of the County of San Joaquin, by proper ordinance, must:

One—Divide the county into a suitable and convenient number of road districts, and appoint therefor, annually, or whenever vacancies occur, Overseers, with power to remove them at pleasure.

Two—Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Act provided.

Three—Abolish or abandon such as are unnecessary.

Four—Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways.

Five—Let out, by contract, the improvement of highways and the construction and repair of bridges, or other adjunct to highways, when the amount of work to be done by contract exceeds three hundred dollars.

Six—Levy a property road tax.

Seven—Order and direct Overseers specially in regard to work to be done on particular roads in their districts.

Eight—Cause to be erected and maintained on the highways they may designate mile-stones or posts and guide-posts, properly inscribed.

Nine—Cause the road tax collected each year to be apportioned to the townships entitled thereto, and kept by the County Treasurer in separate funds.

Ten—Audit and draw warrants on the funds of the respective townships when required to pay for right of way, or work on improvements therein.

Eleven—Furnish each Overseer a copy of this Act.

Road districts to be defined

SEC. 7. The road districts must be carefully defined and described and designated by the municipal towns or township or precinct lines. Until such division is made, the road districts of the county must continue as they are at present defined. Road districts may be altered, changed, created, or modified by the Board of Supervisors as, in their judgment, the public good requires.

SEC. 8. Overseers of road districts shall receive notice of their appointment from the Clerk of the Board of Supervisors, and, within ten days thereafter, must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties until suspended.

Appoint-
ment of
Overseers.

Oath and
bond.

SEC. 9. Road Overseers, under the direction and supervision, and pursuant to orders, of the Board of Supervisors appointing them, must:

Duties of
Overseers.

One—Take charge of the public highways within their respective districts.

Two—Keep them clear from obstructions, and in good repair.

Three—Cause banks to be graded, bridges and causeways to be made when necessary, keep the same in good repair, and renew them when destroyed.

Four—Give two days' notice to the inhabitants of his road district liable to do work on roads, when, where, with what implements, and under whose direction to work, and superintend the same.

Five—Collect from each inhabitant notified to work, and who fails to work or prefers to pay it, the commutation fee.

Six—Make semi-annual reports, under oath, of all labor performed in his district, and how all road poll-tax and commutation moneys were expended, to the Board of Supervisors.

Seven—Collect all road poll-taxes in the mode provided for the collection of other poll-taxes, and faithfully account for and pay over the same.

Eight—Pay over to his successor, or into the Road Fund of his township in the county treasury, all road moneys in his hands and unexpended; and each and every Road Overseer is authorized and empowered to do and perform every act and thing required of him by this Act, and in the manner and at the time in this Act provided.

Nine—Receive for his services, from money coming into his hands belonging to the Road Fund of his township, the sum of three dollars for each day's service performed by him, to be audited and ordered paid by the Board of Supervisors.

Salary.

SEC. 10. From the property road tax collected from all sources the Board of Supervisors may annually set apart a sum not exceeding twenty per cent. of the aggregate for general county road purposes, from which they may direct such amounts to be paid as may be found necessary for such general road purposes, in which the inhabitants of all the townships are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create a debt in any township in excess of fifty per cent. on the estimated amount of the tax receipts for road purposes, from said township, for the next ensuing year.

General
road tax.

Road poll-tax labor.

SEC. 11. Every male inhabitant of a road district, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as the road poll-tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of three dollars.

Property tax.

SEC. 12. The Board of Supervisors must, each year, prior to the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway purposes, which may be necessary for the ensuing year, over and above the road poll tax, and must regulate and fix the amount of property highway tax, and levy the same thereby.

Poll-tax receipts.

SEC. 13. The Board of Supervisors must provide proper blank road poll-tax receipts, to be signed by the Clerk of the Board, and must deliver to each Road Overseer a number thereof, equal to the number of inhabitants in his road district who are liable for road poll-tax, take a receipt therefor, and charge the Road Overseer receiving the same therewith, and must credit each Road Overseer with the number of blank road poll-tax receipts which he returns to the Clerk of the Board of Supervisors.

Persons liable for road poll-tax.

SEC. 14. Road Overseers must make out lists of the inhabitants of their respective road districts who are liable for road poll-tax, and require of each the performance of the labor or the payment of the commutation fee, and apply such labor and commutation money in the opening, maintenance, and repair of the highways and adjuncts in their respective road districts.

Overseers to add to lists.

SEC. 15. The Road Overseers must, from time to time, in their respective districts, add to the lists the names of all persons liable for road poll-tax, who were omitted from the previous list, or who have become inhabitants of his district since said previous list was made, and must enforce the road poll-tax or collect the commutation fee therefor, and apply the same as hereinbefore provided.

Annual property tax.

SEC. 16. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when the tax is by them levied for county purposes, and must not exceed thirty cents on each one hundred dollars in value of taxable property. This property road tax, when levied, must be annually assessed and collected by the same officers and in the same manner as other State and county taxes are levied, assessed, and collected, and turned over to the County Treasurer for the use of the townships from which it is respectively collected.

Bridges, how constructed.

SEC. 17. Bridges crossing the line between cities or towns and townships and must be constructed by the cities or towns, and the Road Funds of the townships into which said bridges reach, proportionally; *provided*, that the Board of Supervisors may order the whole expense of constructing or repairing said bridges out of the General Road Fund of the county.

Employers liable.

SEC. 18. Corporations or other employers of residents in any highway district are responsible for the road poll-tax assessed against their employes, and a notice to the employers

or managing agent requiring the payment of the road poll-tax of the employe, charges such employer or corporation with such road poll-tax.

SEC. 19. Each person appearing must work eight hours each day, to be credited to him by the Overseer. For any hour unnecessarily lost or idled away, he must be charged two hours, to be worked out on some other day under notice from the Overseer; any person may work by an able-bodied substitute. Eight hours a day's work.

SEC. 20. Every person receiving due notice, who does not appear and labor or commute, is delinquent. Delinquents.

SEC. 21. The Overseer's acceptance of an excuse for a neglect in no case exempts the person excused from performing or commuting for the whole number of days' work for which he was assessed. Excuses.

SEC. 22. Every Overseer must make to the Board of Supervisors, semi-annually, on or before the first Monday of May and the first Monday of November, in each year, a written account, under oath, containing: Overseers' accounts.

One—The names of all persons assessed to work in his district.

Two—The names of all who have actually worked, and the number of days.

Three—The names of all who have commuted, and the amount received from them.

Four—The names of all delinquents, and the amount collected from them.

Five—A full return, by items, of the amount of labor done and money expended at each separate point, and the manner in which, and the time when the same was done.

Six—The number of road poll-tax receipts used, and those returned not used.

Seven—An accurate account of every day he himself was employed, and the nature and items of the service rendered.

SEC. 23. Road Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of their report. To hand over moneys.

SEC. 24. A failure to make a report as required, or to pay over, on the order of the Board of Supervisors, any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under orders of the Board of Supervisors. Penalty for failure.

SEC. 25. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall give notice of intention by posting at least four notices in four public or conspicuous places along the line of the road or highway proposed to be located, altered, or vacated, one of which shall be posted at each terminus, and one such notice at the door of the Court-house in which the Board of Supervisors of the county hold their meetings, and at least twenty days previous to the time of making such application, which application shall be made only at a regular meeting of the Board of Supervisors, and in such notice shall set forth, with Location, alteration, etc., notice of.

reasonable certainty, the place of beginning, the terminus, and a general description of the proposed route, and the time when the application will be made.

Petitioners.

SEC. 26. Upon the day mentioned in the notice of intention mentioned in the previous section, the person or persons giving the notice, or some one in their behalf, shall complete the application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens and tax-payers of the county residing in the locality of such road, and shall set forth the same matters as the notice, and shall ask for the appointment of Viewers to view such proposed location, vacation, or alteration, and the final confirmation and establishment thereof. The joining of any person in such petition shall be a waiver of all right to damages of every kind and nature arising from the location, alteration, or vacation asked for. Proof shall be made to the Board of Supervisors, by the affidavit of some competent person or persons, of the posting of the notice of intention, and also that all persons owning or claiming land on the proposed route or routes have been notified of said proposed application at least ten days previous to the day specified in the notice for making such application. When the owner or claimant is a minor, or idiot, or insane person, notifying the legal guardian of such minor, idiot, or insane person shall be sufficient, and shall be set forth by affidavit. If the owner of any land over which any road proposed to be located, altered, or vacated, runs, does not reside thereon, and is not personally notified as above directed, the person or persons notifying shall cause each notice to be served on such non-resident by publication thereof, once a week, for at least four weeks consecutively, in a newspaper published in the county.

Petitioners
bond.

SEC. 27. Upon filing the petition specified in the foregoing section, the petitioners, or some one in their behalf, shall enter into an undertaking, with at least two sufficient sureties, in such sum as the Board of Supervisors may determine, conditioned that the persons making such application will pay into the county treasury the amount of all costs and expenses accruing in account of or in consequence of such application, in case the prayer of the petitioners shall not be granted, and the location, alteration, or vacation finally confirmed or established; and should such application fail, and the applicants therefor fail or neglect to pay such costs and expenses into the county treasury, according to such undertaking, within three months after the Board of Supervisors have taken final action on any such application, then the Board of Supervisors shall cause such undertaking to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith to collect all sums due from the makers of the undertaking.

Damages to
owners.

SEC. 28. Any person or persons owning or claiming land, through or upon which it is proposed to locate or establish a public highway, or is affected by the alteration or vacation of any highway, and desiring to apply for damages in consequence of such proposed action, shall make application in writing to the Board of Supervisors on the day on which the

application for such location, alteration, or vacation shall be made according to the notice, wherein they shall set forth the particular road or roads referred to, the amount and general character of the land affected, and any other circumstance having relation to the subject of damages. The legal guardians of minors, idiots, and insane persons are authorized and required to take all the measures in the premises which may be necessary to protect the rights of such idiots, minors, and insane persons. All persons who fail or neglect to make such application for damages, within the time and in the manner herein specified, shall be deemed to have waived all claim and right to damages in the premises, and as dedicating their lands affected to public use as a highway, and they shall be forever barred from bringing or maintaining any action for damages in any and all Courts of this State or of the United States.

SEC. 29. Upon filing the undertaking herein provided for, and proof of giving the notices required in this Act, and at the time specified in the notices for hearing said application, the Board of Supervisors shall appoint as Road Viewers three citizens of the county, as follows: They may appoint one from their own number, one may be a practical surveyor, and one disinterested person from the body of the county, and shall place in the hands of such Road Viewers the petition for the road which they are to view, and all applications for damages in the premises. Upon a day named by the Supervisors, or within five days thereof, and after taking severally an oath to perform faithfully the duties devolving upon them as Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether the same is required for public convenience, taking into consideration private as well as public interests. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation is necessary, they shall take to their assistance two chainmen and a marker, who shall be sworn by the Road Viewers, or some one of them, to faithfully discharge their duties as chainmen and marker, and shall proceed to survey the proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and terminations of said route. The Road Viewers shall have power and authority to make a departure from the line of road as prayed for in the petition whenever in their judgment it would be to the public interest so to do from any cause whatever. The surveyor shall make a plat and field notes of said survey, or surveys, when more than one route is surveyed, which shall be filed as a part of the report of said Road Viewers, on or before the first day of the regular meeting of the Board of Supervisors next after that at which such Road Viewers were appointed, or on or before such day as the Board of Supervisors may name. The Viewers shall file with the Clerk of the Board of Supervisors a report of their proceedings, in which they shall set forth:

Supervisors
to appoint
Viewers;
powers of
same.

Report of
Viewers.

First—Who of them were present at the view.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation is or is not advisable, or whether any departure from the line, as proposed by the petitioners, is necessary, and the reasons that render such departure necessary, if they conclude to recommend any departure.

Fourth—A plat and field notes of the survey, or surveys, if two be made, which shall indicate the lines of inclosure and occupations cut or touched by the projected road or alteration of road. Not more than one survey and plat shall be made, unless the Viewers shall deem a departure from the line prayed for to be necessary.

Fifth—The expenses of the view and survey.

Sixth—The amount of damages sustained separately by each and every person owning or having any right, title, or interest in or to the lands through or upon which said location, alteration, or vacation is proposed to be made; which said damages the said Viewers are hereby authorized and directed to assess and determine.

Seventh—The width of the road, which shall not exceed eighty feet nor be less than forty feet.

Eighth—Said Viewers, in making their report of damages, shall take into consideration the benefits arising from every road to the parties to whom they allow damages, and they shall report as to what the benefits consist of.

Hearing of
report of
Viewers.

SEC. 30. Upon the first day of the regular meeting of the Board of Supervisors next after that at which the Road Viewers were appointed, or upon such day as the Board of Supervisors may have named, as provided in this Act, the Board of Supervisors shall consider all matters touching the petition for the location, alteration, or vacation of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as the parties interested may introduce touching the same; and if, in their opinion, the public good and convenience require that the proposed location, alteration, or vacation, either as petitioned for or as recommended by the Viewers, should be established, they shall confirm the report thereon, in whole or in part, as they may deem advisable, and shall establish said location, alteration, or vacation, or so much thereof as they may deem advisable, as a public highway, and said Board of Supervisors shall thereupon order the damages as finally assessed and fixed by them, and the costs which have accrued, to be paid out of the proper Road Fund, and shall order a warrant or warrants to be drawn accordingly. The Board of Supervisors are authorized and empowered to pay the same out of the General Fund by a special order made for that purpose, or they may make the establishment of any location, alteration, or vacation conditional upon the payment by the petitioners of any or all costs, damages, and expenses of the opening, altering, or vacating of any road.

Payment of
damages
assessed.

SEC. 31. The Board of Supervisors, upon making each and every order establishing the location or vacation of any road or highway, shall order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon and affected thereby, as finally fixed

and assessed by them, to be set apart in the treasury and out of the proper fund to be paid to the proper owner or claimant, if known, and to be kept for the owner, if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements; from the time of making such order said lands shall be taken for public use.

SEC. 32. If, in the opinion of the Board of Supervisors, after the hearing as herein provided for, the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they shall dismiss the proceedings in the premises, and direct the District Attorney to collect the expenses which may have accrued in the progress of the proceedings had in the premises, by action on the undertaking provided for in section twenty-seven of this Act, if not paid by the petitioners as herein provided.

Supervisors may dismiss proceedings

SEC. 33. Upon the final establishment of the location or alteration of any road as provided for in this Act, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Overseer or Road Overseers of the district or districts within which such road is situated, of the establishment or alteration thereof, and furnish him or them with a specific description thereof; and it shall be the duty of such Road Overseer or Road Overseers to open such road within thirty days from the receipt of such notice, unless there were, at the time of such location or alteration, growing crops upon the ground affected by such road; in which case, it shall be the duty of such Road Overseer or Road Overseers to open such road within thirty days after the harvesting of such crops.

Clerk to notify Overseer of alteration, etc.

Overseer to open road; crops.

SEC. 34. Any persons or persons desiring to establish a road for private convenience, and not for the benefit of the traveling public generally, may do so, by consent of the parties owning the lands affected thereby; such consent, together with a specific description of such road, and the condition in reference to gates, inclosures, and other matters agreed upon between the parties, shall be filed with the Clerk of the Board of Supervisors; upon filing such consent, and a specific description, such road shall be recorded by name in the road record of the county, and shall become, to all intents and purposes, a road for the use of the parties, and all persons having occasion to use the same for ingress or egress and regress to and from the points on the line thereof. The party or parties for whose benefit such roads are established shall keep them in repair at their own expense. Whenever any person or persons, wishing to establish a private road, and from any cause is or are unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken, and the same law shall apply thereto, as in the establishment of public roads, except that only one petitioner shall be necessary. No Viewers need be appointed, and in the assessment of damages, made by the Board of Supervisors, which they are hereby authorized to make, they shall contemplate the erection of good and sufficient gates, or such other means of

Private roads, consent of adjoining owners.

protection as the petitioner or petitioners may propose to erect; and the final establishment and maintenance of such road shall be conditioned upon the erection and keeping in repair of all such gates and safeguards provided for, and the payment of all such costs as may have accrued, or such damages as may be assessed. Every order establishing a private road shall specify the width thereof, which shall not exceed thirty feet.

Actions for damages, when awards are deemed insufficient.

SEC. 35. Any person or persons claiming damages on account of the location, alteration, or vacation of any road under the provisions of this Act, who may be dissatisfied with the award of damages made by the Board of Supervisors, and who cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, shall, within twenty days from the time of final hearing, commence an action against the county by name for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice in this State, except as hereinafter provided; and all actions not commenced in the time above limited shall be forever void. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served on the Clerk of the Board of Supervisors; such Clerk shall notify, in writing, the Chairman of the Board of Supervisors and the District Attorney of the commencement of such action, which shall be sufficient notice to the county, and it shall be the duty of the District Attorney to appear for and defend all actions commenced under this Act against the county for damages. The plaintiff, at the time of filing his complaint, shall file an undertaking in the sum of three hundred dollars, with two or more sufficient sureties, who shall be residents and freeholders or householders of the county, and shall make affidavit on such undertaking that they are each worth, over and above their debts and liabilities, in property exempt from execution, double the amount specified in such undertaking, which undertaking shall be conditioned that the plaintiff will pay all costs awarded against him, not exceeding the amount mentioned therein.

Plaintiff to give bond.

Costs of suit.

SEC. 36. If the plaintiff in such action shall fail to recover a greater amount of damages than was awarded by the Board of Supervisors, or than agreed to be allowed by them, all costs in the case shall be taxed against such plaintiff and in favor of the county, and if such costs are not paid within thirty days after the entry of the judgment, it shall be the duty of the District Attorney to bring suit on the undertaking to recover the same, unless within thirty days an appeal be taken and the execution of the judgment be stayed by a proper undertaking, as in other civil cases.

Action, where brought.

SEC. 37. When the action provided for in this Act can be brought in a Justice's Court, it shall be brought in some Justice's Court of the township in which the county seat is located, and if there be no Justice in such township qualified to act in the case, the action shall be transferred to the nearest Justice in an adjoining township. The county shall

have ten days to answer after service of summons and copy of complaint; in all cases of application for damages or action for the same, under the provisions of this Act, the claimant shall be deemed the plaintiff and the county the defendant.

SEC. 38. Whenever any person or persons may propose to open a public road through his, her, or their lands, such person or persons may petition the Board of Supervisors of the county; said petition must give the commencement and terminus of such proposed road, with a general description and width thereof, to declare such road a public highway; and said Board may, if they deem the road necessary, enter in their book of record an order declaring said petition granted, and such road established as a public highway. Such petitioners shall proceed at their own expense, unless the Board of Supervisors order the expense paid from the County Road Fund, to open out such road within thirty days, unless the Board grant a longer time; and such road, from the time fixed for opening it, shall be considered to be dedicated to the public use as a public highway. The guardian of any idiot, minor, or insane person, is hereby empowered to petition for his ward, under this section; all such petitions shall have the same force and effect as petitions of other persons not under disability.

Petitions by owners for public road through their lands.

SEC. 39. Any person performing labor or service, under the provisions of this Act, in reference to the view, location, or survey of roads, shall receive as compensation the following per diem, to wit: Surveyor, not to exceed ten dollars; Viewers, other than surveyor, three dollars; chainmen and markers, two dollars; which sums shall be allowed by the Board of Supervisors, and paid by their order either by the petitioners or by warrants drawn on the proper County Road Fund, as said Board may direct under the provisions of this Act.

Salary of surveyors and others.

SEC. 40. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed, and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described.

Right of way.

SEC. 41. Whenever highways are laid out to cross railroads, canals, or ditches on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same.

Crossing of railroads, etc.

SEC. 42. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased, or condemned by order of the Board of Supervisors, or of a Court, for road or highway purposes,

Removal of fences.

notice to remove the fences must be given by the Road Overseer to the owner, his occupant or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal; and the fence material may be sold to satisfy the judgment.

Public
bridges, how
maintained.

SEC. 43. All public bridges not otherwise specially provided for, are maintained by the townships in which they are situated, the townships which they unite, and the county at large, in the same manner as highways, and under the management and control of the Road Overseers and the Board of Supervisors; the expense of constructing, maintaining, and repairing the same being primarily payable out of the Road Fund of the township in the hands of the Road Overseer or County Treasurer, and from road poll-taxes.

Same.

SEC. 44. Whenever it appears to the Board of Supervisors that any township is or would be unreasonably burdened by the expense of constructing, or maintaining, or repairing any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county; or out of the General County Fund, or both; or they may levy a special bridge tax therefor, not exceeding one-fourth of one per cent. on the taxable property of the county, annually, till the amount appropriated is raised and paid.

Same.

SEC. 45. No bridge, the cost of the construction and repair of which will exceed the sum of three hundred dollars, must be constructed or repaired except on the order of the Board of Supervisors; when ordered to be constructed or repaired, the contract therefor must be let out to the lowest bidder, after reasonable notice, given by the Board of Supervisors, through the Road Overseer, by publication at least two weeks in a county newspaper, and if none, then by three posted notices—one at the Court-house, one at the point to be bridged, and one at some other neighboring public place; the bids to be sealed, opened, and the contract awarded at the time specified in the notice; the contract and bond to perform it must be entered into to the approval of the Board of Supervisors.

Encroach-
ments.

SEC. 46. If any highway, duly laid out or erected, is encroached upon by fences, buildings, and dead animals, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment or nuisance to be removed from the highway.

Same.

SEC. 47. Notice must be given to the occupant or owner of the land, or left at his place of residence, if he reside in the county, if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days.

Same.

SEC. 48. If the encroachment is not removed, or commenced to be removed and diligently prosecuted, prior to the expiration of the ten days from the service or posting of

notice, the one who caused, or owns, or controls the encroachment, forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

SEC. 49. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or to permit the removal thereof, the Road Overseer must commence, in the proper Court, an action to abate the same as a nuisance, and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs in said action. Encroachments.

SEC. 50. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also, for each day the same remained after notice was complete, the sum of ten dollars, in an action for that purpose. Same

SEC. 51. Any person or persons, body politic or corporate, who shall obstruct, injure, or damage any public highways, either by placing an obstruction therein, or by digging in, deepening, and deviating the waters of any stream, or by placing any obstruction in any ditch or stream within or along any public highway, or by placing or constructing any obstruction, ditch, or embankment upon their own or other lands, so as to make or cause any water to flow upon or impair any public highways, or in any other manner injure or obstruct any public highway, shall be guilty of a misdemeanor, and shall be liable to prosecution before any Justice of the Peace in said county, and upon conviction of a violation of any of the provisions of this section, shall be punished by a fine not less than ten nor more than fifty dollars, to be collected as other fines are collected; and any such person shall be further liable, at the suit of the Road Overseer of the district, in the sum of five dollars for each and every day such obstruction is allowed to remain after being notified to remove or remedy the same by the Road Overseer of the district, or by any member of the Board of Supervisors. It shall be the duty of the Road Overseer of any district wherein such obstructions, injury, or damage exists, to make a complaint against the person or persons so obstructing or injuring any public highway in his district, before any Justice of the Peace of the county. Obstruction of roads by waters.

Prosecution for.

SEC. 52. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code. Injury to mile-boards.

SEC. 53. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forth-

with; if it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter, till it is removed, and the cost of removal.

Fallen trees. SEC. 54. Whoever cuts down a tree, so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway.

Fast driving. SEC. 55. Road Overseers may put upon bridges under their charge notices that there is "a fine of five dollars for riding or driving on this bridge faster than a walk;" whoever, thereafter, rides or drives faster than a walk on such bridge is liable to pay five dollars for each offense.

Injury to shade trees. SEC. 56. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree, unless the same may be deemed an obstruction by the Road Overseer and removed under his direction, planted or standing on any highway, forfeits twenty-five dollars for each such tree.

Recovery of penalties. SEC. 57. All penalties or forfeitures given in this Act, and not otherwise provided for, must be recovered by the Road Overseer of the respective road districts, and be applied on the highways in the district on which they are collected.

SEC. 58. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed; except, that proceedings in regard to laying out, altering, or discontinuing any road commenced under the laws in regard to roads, in force in the County of San Joaquin on the first day of March, one thousand eight hundred and seventy-six, may be completed under the laws under which they were commenced.

SEC. 59. This Act shall take effect from and after its passage.

CHAP. CCLXV.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXVI.—*An Act to provide for the collection of road poll-taxes in the County of Calaveras.*

[Approved March 20, 1876.]

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

Persons
liable to
labor

SECTION 1. Every male inhabitant of a road district, in the County of Calaveras, over twenty-one and under sixty years of age, must perform two days' labor annually, to be known as the road poll-tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of three dollars.

SEC. 2. The provisions of the Political Code in relation to highways, except section twenty-six hundred and fifty-

seven of said Code, are hereby made applicable to the County of Calaveras.

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

CHAP. CCLXVII.—*An Act authorizing the Treasurer of Butte County to transfer certain funds.*

[Approved March 20, 1876.]

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

SECTION 1. The County Treasurer of Butte County is hereby authorized and directed to transfer all moneys in the Swamp Land Fund of said county to the General Fund of said county, and, from time to time, as moneys shall come into and accumulate in said Swamp Land Fund, be by him transferred to said General Fund of the county, until such time as the formation of a swamp land district; and immediately upon the formation of a swamp land district in said county, the Board of Supervisors shall, by order, direct the County Treasurer to transfer to the fund of such swamp land district its proportion of the Swamp Land Funds then in the County General Fund; and said Board of Supervisors may at any time levy a special tax for the purpose of raising the amount of Swamp Land Fund required, which special tax shall be levied and collected at the same time and in the same manner as State and county taxes are levied and collected.

Treasurer to transfer funds.

Special tax.

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

SEC. 3. This Act shall take effect immediately.

CHAP. CCLXVIII.—*An Act to call in and pay the registered warrants of Butte County.*

[Approved March 20, 1876.]

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

SECTION 1. The County Treasurer of Butte County is hereby directed to call in, redeem, and pay all outstanding registered warrants of Butte County, issued prior to the first day of May, eighteen hundred and sixty-four.

Registered warrants.

SEC. 2. The said County Treasurer shall give notice for the space of thirty days, by advertising in one or more newspapers published in the County of Butte, of his readiness to pay and redeem said registered warrants, specifying the time and

Treasurer to redeem same.

place of such payment; and in case said warrants are not presented for payment at the time and place specified in said notice, then and thereafter the interest thereon shall cease.

SEC. 3. That said warrants shall be paid out of the General Fund of the said county.

Fund
abolished.

SEC. 4. The Treasurer is hereby directed to transfer all moneys now in the Registered Warrant Redemption Fund of said county to the General Fund thereof, and said Registered Warrant Redemption Fund is hereby abolished.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAP. CCLXIX.—*An Act to protect agriculture in the County of El Dorado.*

[Approved March 20, 1876.]

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

Owner may
take up
animals
trespassing.

SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, mule, jack, jenny, sheep, goat, hog, or horned cattle, or any number of such animals, doing or having done damage on such land or possessory claim, whether the said land or claim be inclosed by a lawful fence or not so inclosed, may take up and, at the expense of the owner, safely keep such animal or animals for ten days, and shall be allowed for keeping said animal or animals the following-named sums: For each horse, mare, mule, jack, jenny, or horned cattle, the sum of twenty-five cents per day, and for each goat or hog, the sum of ten cents a day, and for each sheep, five cents per day; *provided*, that no charge to exceed ten dollars per day shall be demanded or allowed on any number of sheep or goats.

Charge for
keeping

Notice to
owners.

SEC. 2. When the owner or owners of animals taken up are known, and the said owner or owners reside in or near the township, they shall be personally notified, or a written notice directed to them and left at their usual place of residence, but if at a great distance from the place of taking up, the notice of such detention, and the reasons therefor, shall be served by depositing the same, postage paid, in the nearest post-office, directed to the owner at a post-office near to his or their residence. When the owner or owners are not known to the person taking up the animals, written notices, containing a description of the animals, their marks and brands, as nearly as can be ascertained, and stating the cause of detention, shall be posted for ten days, conspicuously, in three public places in the township, and a copy delivered to a Justice of the Peace of said township, and if there be no Justice in said township, then with the nearest Justice in the adjoining township.

SEC. 3. At the expiration of ten days, if the animal or animals have not been applied for, or if they have and the parties do not agree on the amount of damages and compensation, the taker up, when the damages and compensation claimed for keeping and taking up shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace of the township where the trespass was committed, or the township where the owner of the animal or animals reside, setting forth the nature and location of the alleged damages, the amount he claims against said animal or animals, and that he has actually sustained the damages claimed, and if there be no Justice in said township, then he shall file said complaint with a Justice of the Peace of the nearest township.

Suit for damages.

SEC. 4. When the owner is known, the action shall be against such owner or owners, and the summons shall be served and returned as in other actions. When the owner or owners are not known, the action shall be against the property *in rem*, and the summons shall be directed to unknown owner or owners of said animal or animals, describing them therein, and any actions thus commenced may include all the animals found doing damage, whether of one or more marks and brands, and shall be served by posting a copy of the same in three public places in the township, one of which shall be on the outside of the door of the Justice's office, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial, and no judgment shall be entered up, under the provisions of this Act, by default, but the damage done shall be proved by the testimony of one or more creditable witnesses. If judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution. If the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice to the County Treasurer, and shall be paid to the owner of the animals sold, by the County Treasurer, on the certificate of the Justice before whom the trial was had that he has made the proper proof of ownership thereof; *provided*, the same be presented to the Treasurer within three months from the day of sale; and if not so claimed, it shall be placed to the credit of the School Fund of the county.

Action, against whom, summons.

Costs of suit.

SEC. 5. Any owner or owners of animals seized under the provisions of this Act may, at any time previous to the sale, demand, and shall be entitled to the possession of such animal or animals, or so many as he may claim, upon making satisfactory proof of ownership before the Justice of the Peace, and paying his proportion of the damages, charges, and fees. And after the sale, may, at any time within three months, redeem said animal or animals, by making proof of

Owners may redeem.

ownership and paying the purchaser the amount of purchase money, with ten per cent. added thereto, and expense of keeping, at the rate of two dollars per month per head; *provided*, that the expense of keeping goats, sheep, and hogs shall not exceed fifty cents per month per head.

Record of sales.

SEC. 6. The Justice of the Peace shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection, and shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale, and that the same has been paid over to the County Treasurer, as provided by section four of this Act.

Fees.

SEC. 7. The fees of Justices and Constables, for services under this Act, shall be the same as allowed for similar services in other civil actions.

Migratory stock.

SEC. 8. Nothing in this Act shall be so construed as to prohibit persons from driving through uncultivated land not fenced, who may be required to pass from one section to another, for watering said stock at natural watering-places on their journey.

Misdemeanor.

SEC. 9. Any person who shall drive stock from outside lands upon his own lands or possessory claim, for the purpose of taking advantage of any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished accordingly.

SEC. 10. This Act shall only apply to and be in force in White Oak Township, and that portion of Salmon Falls Township, in El Dorado County, lying south of the south fork of the American River.

SEC. 11. This Act shall be in force from and after its passage.

CHAP. CCLXX.—*An Act amendatory of and supplementary to an Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara, approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 20, 1876.]

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

Proceeds of bonds, how used.

SECTION 1. Section nine of said Act is amended so as to read as follows: Section 9. The money derived to the County of San Luis Obispo from the sale of said bonds must be applied and used by the Board of Supervisors of said county as prescribed in this Act. The sum of fourteen thousand dollars, part thereof must be employed in the payment for laying out and constructing of a good wagon road over the cuesta or mountain of Santa Margarita, north of and near the Town of San Luis Obispo, along and over the grade

heretofore laid out and surveyed by R. R. Harris, County Surveyor of said county, and commonly known as the "Harris grade," leaving the present public road at or near the Juan Noe place on the south side of said mountain, and coming into the same again on the north side of said mountain, at or near the Cervantes place. The Board, as soon as said bonds are sold, which must be done immediately upon the passage of this Act, must cause said sum to be set aside in the treasury of said county, to be known as the "Cuesta Road Fund," and to be dedicated specially to the building of said road. The said Board must immediately employ a competent civil engineer to carefully survey and established [establish] an easy grade for a first-class wagon road over said mountain, following said Harris grade as near as practicable, and to prepare full and precise plans and specifications for the construction of said road. On adopting such plans and specifications the Board must advertise, in two newspapers of general circulation in the county, for bids for the furnishing of all the materials, and building and completing the entire road according to the plans and specifications, naming the time and place of receiving the bids, which time shall be three weeks from the first publication. On opening the bids the contract for furnishing the materials and the construction of the road must be awarded to the lowest bidder who will enter into a written contract for the building and completion of the road according to the plans and specifications, and who will enter into bond with the county, with at least two good sureties to the satisfaction of the Board, in the penal sum of at least fifteen thousand dollars, conditioned for the faithful and exact execution of the contract. The contract must require the work to be completed, and the road delivered for public use, within six months from its date. The Board must, in the contract, apportion the payments of the contract price to be made as the work progresses, reserving forty per cent. till the work is completed and the road received by them, as security for the faithful performance of the contract; payments to be made by warrants drawn against said "Cuesta Road Fund." No contract shall be made for a sum exceeding fourteen thousand dollars.

"Cuesta Road Fund."

Bids and contracts for building road.

Bond of contractor.

SEC. 2. The Board must employ a competent engineer to superintend the work of constructing said road, who shall see that the same is constructed in every manner in precise accord with the plans and specifications adopted by the Board and recited in the contract, and no payment shall be made to the contractor without the certificate of the engineer first had, as to the execution of the work according to the plans and specification. The Board must pay the engineers employed by them in carrying out the object of this Act, such compensation for their services as may be just, payable out of said "Cuesta Road Fund." Should the Cuesta Road Fund not be sufficient to defray all the expenses incurred in the completion of the road, the balance needed for that purpose must be made up from the other proceeds of said bonds,

Supervisors to employ Engineer.

Compensation.

Expenses, how paid.

or may be taken from the fund for current expenses of said county, by whatever name it may be called.

SEC. 3. The balance of the money derived from the sale of said bonds of said County of San Luis Obispo must be used by the Supervisors of said county in repairing, grading, macadamizing, or graveling such of the main public roads of said county as the public good may more urgently require to be improved, in the manner aforesaid. Said Board may cause such work to be done by contract, to be entered into in the same manner and form, as near as practicable, as that required by the first section of this Act, in regard to the Cuesta Road. Should there be a surplus in said "Cuesta Road Fund," after paying for the completion of said road over said mountain, the same shall be used as provided in this section.

SEC. 4. This Act shall take effect immediately.

CHAP. CCLXXI.—*An Act in relation to the manufacture of acids and explosive chemicals in the City and County of San Francisco, and for other purposes.*

[Approved March 20, 1876.]

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

Supervisors
to control
manufac-
ture of.

SECTION 1. From and after the passage of this Act, the Board of Supervisors of the City and County of San Francisco shall have full power and authority to fix limits in said city and county, within which the manufacture of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustible or explosive chemicals, and the maintenance of acid works, shall be prohibited; and to make such rules and regulations in relation to the manufacture and transportation of such substances and the maintenance of acid works in any part of said city and county as they may deem proper and advisable.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXII.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCLXXIV.—*An Act to incorporate the City of San Luis Obispo.*

[Approved March 20, 1876.]

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

SECTION 1. The territory described in the second section of this Act, and the inhabitants thereof, are a municipal corporation, under the Political Code of this State, and are to be known as the City of San Luis Obispo. Corporate name.

SEC. 2. The boundaries of said city are as follows: Beginning at a point on the line between townships thirty and thirty-one south, range twelve east, Mount Diablo meridian, said point being east twenty chains distant from the corner to sections one and two and thirty-five and thirty-six of townships thirty and thirty-one south, range twelve east, Mount Diablo meridian; thence north one hundred and forty chains; thence west one hundred and forty chains; thence south one hundred and twenty chains to the northeasterly boundary line of "Laguna" Ranch; thence following said boundary line of said ranch southeasterly to its intersection with the aforesaid line between said townships thirty and thirty-one; and thence following said township line east to the place of beginning. City boundaries.

SEC. 3. The Common Council of said city shall consist of five members, who, with the Mayor, Assessor, Marshal, Tax Collector, and Police Judge, shall be chosen at an election to be held in said city on the first Monday of April, eighteen hundred and seventy-six, and shall go into office on the first Monday of May, eighteen hundred and seventy-six, and shall hold their office for one year, and until their successors are elected and qualified. The Mayor is the President of the Council, and has the casting vote in case of a tie. Neither the Mayor nor Councilmen may receive any compensation for their services. All elective city officers must be chosen at large by the electors of the city. City government, official terms

SEC. 4. The said city succeeds to all properties, rights, titles, interests, possessions, credits, immunities, liabilities, debts, and obligations, in law and in equity, that may pertain to the Town of San Luis Obispo at the time this Act takes effect.

SEC. 5. All ordinances heretofore passed by the Town Trustees of the Town of San Luis Obispo, pursuant to law, shall remain in force as ordinances of said city until repealed by ordinances passed by the Common Council of said city. Ordinances.

SEC. 6. The city shall create no indebtedness during any one year exceeding, in the aggregate, its revenue for that year. In making estimates as to its revenue for the current year, the estimate roll of property in the city for the previous year must be the basis of calculation, deducting fifteen per cent. for delinquencies. For the first year the assessment roll of the Town of San Luis Obispo must be the basis. No warrant shall be drawn on the treasury unless there is Debts not to exceed revenue.

money to pay it on presentation. No account must be approved, nor scrip or other evidence of indebtedness issued, unless the money to pay it is in the treasury.

Acts repealed.

SEC. 7. An Act to incorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-four, and all Acts amendatory thereof, are repealed.

Act to take effect

SEC. 8. This Act shall take effect on the first Monday of May, eighteen hundred and seventy-six. But the County Judge of San Luis Obispo County shall give notice of the first election for the elective officers of said city, canvass the vote thereat, and declare the result thereof, and for this purpose this Act takes effect immediately.

CHAP. CCLXXV.—*An Act requiring the Board of Trustees of the City of Sacramento to appoint an expert.*

[Approved March 20, 1876.]

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

Trustees to employ expert.

SECTION 1. It shall be the duty of the Board of Trustees of the City of Sacramento, at their first meeting in the month of April of each year after the passage of this Act, to employ an expert, at a compensation not exceeding two hundred and fifty dollars, to examine into the state of the city finances, and into the condition of the finances of each and every fund under the administration of any Board or Commission in the said city government, and make a report to the said Board of Trustees in writing, under oath, in regard to the several funds, and showing any mismanagement therein, if any, and shall also examine and report upon any special matter to which his attention may be directed by resolution of the Board.

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

CHAP. CCLXXVI.—*An Act to prevent the catching of fish by seines, nets, or weirs, in the San Antonio Creek, in the County of Alameda.*

[Approved March 20, 1876.]

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

Use of seines and nets unlawful.

SECTION 1. It shall not be lawful for any person to catch fish in the waters of the San Antonio Creek, in the County of Alameda, by the use of seines, nets, or weirs.

Penalty for violation.

SEC. 2. Any person violating the provisions of this Act shall be subject to a penalty of not less than fifty nor more

than one hundred dollars for each offense, or imprisonment in the County Jail of the County of Alameda for a term of not less than thirty nor more than sixty days, which penalty may be enforced by any Police Judge or Justice of the Peace of said county.

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

CHAP. CCLXXVII.—*An Act to amend an Act entitled "An Act to separate the office of County Auditor from office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern," approved March eighth, eighteen hundred and seventy-six.*

[Approved March 20, 1876.]

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

SECTION 1. Section eleven of an Act entitled "An Act to separate the office of County Auditor from the office of County Recorder, and to regulate official salaries in the Counties of Fresno, Tulare, and Kern," approved March eighth, eighteen hundred and seventy-six, is hereby amended to read as follows: Section 11. This Act shall take effect and be in force, for the purposes of the election provided for in section one, on and after the first Monday in January, eighteen hundred and seventy-seven, and for all other purposes, on and after the first Monday in March, eighteen hundred and seventy-eight.

CHAP. CCLXXVIII.—*An Act to amend section eighteen of an Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six.*

[Approved March 20, 1876.]

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

SECTION 1. Section eighteen of the Act in relation to the county officers of Santa Clara County, their fees and salaries, approved February tenth, eighteen hundred and seventy-six, is amended to read: Section 18. The Board of Supervisors of said county shall have the full financial management at the County Jail of said county, and shall prescribe the number and compensation of the employés therein. Such management shall not prevent the control of the prisoners confined therein now exercised by the Sheriff of said county, nor interfere with the supply of all necessary food for the

Supervisors
to have con-
trol of jail.

prisoners confined in said jail, for which the Board of Supervisors shall allow to said Sheriff a just and reasonable compensation. All employés of the prison shall be appointed by the Sheriff.

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

CHAP. CCLXXIX.—*An Act to authorize the Board of Trustees of Sacramento City to levy taxes for city purposes.*

[Approved March 20, 1876.]

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

Levy and apportionment of city taxes.

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized, at any regular or special meeting held by such Board in the month of March, eighteen hundred and seventy-six, to levy for city purposes, for the present fiscal year, a tax of one dollar and ninety-six cents on each one hundred dollars in value of the assessable property in said city. The taxes so levied shall be apportioned as follows: To the General Fund, forty-two cents; to the School Fund, thirty-five cents; to the Bond Redemption Fund, ten cents; to the Paid Fire Department Fund, twenty cents; to the Paid Fire Department Redemption Fund, four cents; to the Police Fund, seventeen cents; to the Special Street Fund, three cents; to the Street Intersection and Crossing Fund, forty cents; to the Street Repair Fund, five cents; to the Levee Fund, five cents; to the Special Water-works Redemption Fund, fifteen cents.

Moneys, how applied.

SEC. 2. No other or further tax shall be levied by said Board for said year, for any purpose mentioned in this Act; and the moneys levied and collected under this Act shall be applied only as herein apportioned.

Auditor granted further time.

SEC. 3. The Auditor of said city is hereby granted ten days, in addition to that now allowed by law, in which to extend the figures on the assessment roll of said city for the present year; and the Board of Trustees are authorized, by an order entered on their minutes, to extend, for not exceeding ten days, the time prescribed by law for doing any act relating to the revenue or to the collection of the revenue of said city. Any Board or Commission existing in the city is hereby empowered to reduce in any manner the expenses of the department under the charge or control of such Board or Commission.

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

CHAP. CCLXXX.—*An Act supplemental to an Act entitled an Act to enable John Hoagland and others to sue the City of Sacramento, approved March eleventh, A. D. eighteen hundred and seventy-six.*

[Approved March 20, 1876.]

WHEREAS, An error was committed in the engrossment of the first section of the above-entitled Act, by which the name of Mary Samsel is written Mary Limsel, which error exists in the said Act; therefore,

Preamble.

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

SECTION 1. It shall be lawful for the said Mary Samsel, in her proper name, to sue said city under and by virtue of said Act, with the same effect as if her true name were written in the said first section of said Act in the place of Mary Limsel.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXXI.—*An Act to authorize the County Clerk of Alameda County to employ two additional deputies.*

[Approved March 20, 1876.]

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

SECTION 1. The County Clerk of Alameda County is hereby authorized to employ two deputies in addition to the number now allowed by law, and said deputies shall each be allowed and paid a monthly salary of one hundred and twenty-five dollars from the Salary Fund of said county.

Deputies and salaries of.

SEC. 2. The County Auditor shall draw his warrant on the County Treasurer of said county, on the first Monday of each month, in favor of each of said deputies, as above set forth, for the preceding month.

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

CHAP. CCLXXXII.—*An Act for the better protection of the county treasuries of Los Angeles, Sutter, and Butte Counties.*

[Approved March 20, 1876.]

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

SECTION 1. The County Judge and Auditor of the Counties of Los Angeles, Sutter, and Butte, are hereby constituted a Board of Examiners of county funds, held in safe keeping by the County Treasurer of their respective counties.

Officers constituted Board of Examiners.

Board to
examine
books of
Treasurer.

SEC. 2. It shall be the duty of said Board, as often as it may be deemed proper, to examine the books, accounts, and vouchers in the office of the County Treasurer, and to count the moneys in the treasury belonging to the various funds; *provided*, that said examination and counting shall take place at least once a month, without said Board giving the Treasurer any previous notice of the hour or day of said counting.

SEC. 3. It shall be the duty of the Treasurer to permit the said Board of Examiners to examine the books and papers in his office, and permit the moneys in the treasury to be counted whenever the said Board may wish to make such examination or counting, without delaying said examination or counting on any pretense whatever.

SEC. 4. It shall be the duty of said Board of Examiners to ascertain what amount of money may be needed to be paid out for the month next following their meeting, which amount shall be set aside; the balance not thus needed shall be put in bags and sealed up with an appropriate seal, and not opened again by the Treasurer until the next meeting of the Board.

Felony.

SEC. 5. Any violation of the provisions of this Act by the Treasurer shall be deemed a felony, and upon conviction thereof, in a Court of competent jurisdiction, shall be sentenced to imprisonment in the State Prison for a term not exceeding three years, and a fine of not less than five hundred nor more than twenty thousand dollars.

Examiners
to publish
statement.

SEC. 6. The Board of Examiners shall make a statement, under oath, of the amount of moneys in the county treasury, as found by them after actually counting the same, and said statement shall be published in one newspaper published within the county. Such statement shall also be posted in the office of the County Clerk for public inspection.

Supervisors
may increase
Treasurer's
bond.

SEC. 7. The Board of Supervisors of their respective counties are hereby authorized to increase the bond of the County Treasurer when in their judgment the safety of the public moneys require it; but in no case shall the bond be increased to more than the greatest amount of money the Treasurer may have on hand at any time during the year.

Compensa-
tion of
Board.

SEC. 8. The Board of Supervisors may allow the said Board of Examiners such compensation as in their judgment shall be commensurate with the duties imposed upon them by the provisions of this Act.

Misde-
meanor.

SEC. 9. A failure on the part of the Board of Examiners to perform the duties required of them by this Act shall be deemed a misdemeanor.

District
Attorney's
duty.

SEC. 10. It shall be the duty of the District Attorney to ascertain and report to the Grand Jury, at every session, whether or not the Board of Examiners have performed their duty as provided by the provisions of this Act; for any failure on his part so to do he shall forfeit five hundred dollars of his salary.

SEC. 11. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect from and after its passage.

CHAP. CCLXXXIII.—*An Act supplemental to and amendatory of an Act entitled "An Act to incorporate the Town of Alameda," and an Act amendatory of said Act, approved March seven, eighteen hundred and seventy-two; approved March eighteen, eighteen hundred [and] seventy-four.*

[Approved March 20, 1876.]

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

SECTION 1. Section one of said amendatory Act is hereby amended to read as follows: Section 1. The government of said town shall be vested in a Board of five Trustees, an Assessor, who shall act also as Superintendent of Streets, and a Treasurer, who shall also act as Tax Collector of said town. The Justices of the Peace and Constables, elected in and for said townships from time to time, shall perform their respective duties in said town, and shall respectively give effect to all ordinances that may be enacted by the said Board of Trustees, in pursuance of the power given to said Board by this Act, and said Constables, or such other officers as said Board of Trustees may appoint, shall perform all police duty in said town, and shall receive such compensation as may be allowed by said Board. The amount to be paid each policeman shall be left to the discretion of said Board; special police officers may be from time to time appointed by said Board, but the entire sum to be expended for police services shall not exceed eighteen hundred dollars per annum.

Town government, in whom vested.

Police.

SEC. 2. Section two of said amendatory Act is hereby amended to read as follows: Section 2. The Board of Trustees shall have power:

General powers of Trustees.

First—To declare any street now open, or such as may be hereafter opened by any owner of land within said town, to be public streets.

Streets.

Second—To establish the grade of said streets; to provide for the improvement or repair of the same, and for the erection of sidewalks in the manner hereinafter provided, and to provide for watering such streets as shall have been graded, macadamized, or improved.

Same.

Third—To provide for the prevention and summary removal of all nuisances, and all occupations detrimental to the public health, comfort, or safety; to suppress or regulate all occupations, houses, places, and exhibitions which are against good morals, or contrary to public order and decency; to prevent the appearance of any person on any highway or public place in said town in a state of intoxication; to prevent the discharge of fire-arms, pistols, or cannon, on any wharves or streets of said town, or on private property therein, without the consent of the owner thereof, and to prevent any noise, disorder, or tumult, to the disturbance of the public peace; to punish the violation of all ordinances passed by said Board, pursuant to the provisions of this section, by fine not exceeding two hundred dollars, or by imprisonment in

Nuisances, etc.

the Jail of the County of Alameda not exceeding three months.

Annual
taxes.

Fourth—To levy and collect annually a tax not to exceed sixty cents on each one hundred dollars of the assessment valuation of all property, both real and personal, within said town; which said tax shall be divided as follows: For the General Fund, not exceeding twenty-five cents on each one hundred; for the Street Sprinkling Fund, not exceeding ten cents on each one hundred dollars; for the School Fund, not exceeding twenty-five cents on each one hundred dollars. Each of said funds shall be kept separate from any other. All fines collected in said town shall be paid into the School Fund, and said School Fund shall be used only in payment of teachers' salaries, and the necessary expenses of the public schools.

Poll-tax.

Fifth—To impose and collect a poll-tax, not exceeding two dollars per annum, on each male inhabitant between the ages of twenty-one and sixty, which shall be paid into the School Fund of said town, and no other poll-tax shall be collected in said town.

Licenses.

Sixth—To license, tax, and regulate all lawful trades and occupations, but no license shall be collected from any resident of said town except by its authority, and for its use.

Public
pound.

Seventh—To establish a public pound, and appoint a Pound-keeper, and prescribe his duties, and to provide for the proper care and disposition of all animals impounded; *provided*, that the Pound-keeper shall receive for his services, and care of animals only, such fees as by ordinance he may be allowed to collect from the owners, or proceeds of sale of said animals.

Clerk of
Board.

Eighth—To pass all ordinances necessary to carry into effect the powers herein granted, but it shall require the affirmative vote of three Town Trustees for the passage of any ordinance, or for the passage of any order or resolution directing the payment of money, and in every case the ayes and noes shall be entered on the minutes of said Board. The style of such ordinance shall be: "The Trustees of the Town of Alameda do ordain as follows." To elect a Clerk of said Board, who shall perform such duties as may be by them required, and to pay him out of the General Fund for his services to said Board, and, as Clerk of the Board of Education, a compensation not to exceed fifty dollars per month.

Duties of
Assessor.

SEC. 3. Section eight of said Act is hereby amended to read as follows: Section 8. It shall be the duty of the Assessor, within the time fixed by law for the assessment of property in the County of Alameda for State and county purposes, to make a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the first Tuesday in August, be presented by him to the Board of Trustees for Equalization; also to collect the town poll-tax, and personal property tax not sufficiently secured by real estate, at the same time and in the same manner as is provided for the collection of said taxes in the County of Alameda.

SEC. 4. Section four of said amendatory Act is hereby amended so as to read as follows: Section 4. The said Board of Trustees shall have further power to construct sidewalks in any street in said town, either on one side of said street or on both sides, as is hereinafter provided. Said Board shall by resolution declare its intention to construct a sidewalk on a street, giving its name and designating the point of commencement and termination thereof, and by reference to a general ordinance previously adopted, shall designate the manner in which said work shall be done, and the materials to be used. Such resolution shall be advertised once a week for three weeks; and if at the next regular meeting of said Board, after the time of advertising shall have expired, the owners of one-half of the property intended to be charged with the cost of such sidewalk shall in writing protest against the same, then all proceedings connected therewith shall be discontinued, and no other or further proceedings for the same purpose shall be taken for one year, excepting on petition of said property owners, as provided in section three of said amendatory Act; but if the requisite protest is not made, then the Board shall order said work to be done, and all proceedings in connection therewith, and in assessing and collecting the costs thereof, shall be had and taken as is provided in section three of said amendatory Act. All notices required to be advertised under the provisions of this Act, shall be drawn as concisely as possible, and the advertising thereof shall be given to the paper published in said town that will insert it at the lowest rate.

Construction
of sidewalks,
etc.

SEC. 5. Section six of said amendatory Act is hereby amended to read as follows: Section 6. The Trustees of said town shall receive no compensation for their services. The Treasurer, for all services that may be required of him, including his duties as Tax Collector, and the Assessor, for all services required of him, including the duties of Superintendent of Streets, shall each receive such compensation as may be fixed by the Board of Trustees; *provided*, that the salary allowed to each shall not exceed five hundred dollars per annum.

Salaries.

SEC. 6. Section eight of said amendatory Act is hereby amended so as to read as follows: Section 8. No Trustee, or School Director, or officer shall, by himself, agent, or partner, be directly or indirectly interested in any contract made by or with the said town, or in any purchase or expenditure made by or for the said town; nor shall any such Trustee, or School Director, or officer, by himself, agent, or partner, act as the attorney, agent, or adviser of any contractor for street or other work with said town, or receive from said contractor any fee, reward, or gift; and any violation of the provisions of this section is hereby declared to be a misdemeanor, and on conviction thereof in a Court of competent jurisdiction, the offender shall be punished by a fine not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment in the jail of the County of Alameda not less than six months nor more than

Contracts,
etc.

two years, and shall also be liable, in a civil action, to any person who may be pecuniarily aggrieved by the malfeasance aforesaid, and the Board of Trustees shall declare the office of such offender to be forfeited, and shall fill the vacancy in the manner provided in the section of which this section is amendatory.

School
Directors,
salaries of.

SEC. 7. The Board of School Directors shall have power to appoint a School Superintendent, whose duty it shall be to exercise a general supervision over all the schools of said town, subject to the order of the Board of School Directors. Compensation of said Superintendent shall be fixed by the Board of Education, and paid out of the school funds, but shall not exceed forty dollars per month.

SEC. 8. This Act shall take effect immediately.

CHAP. CCLXXXIV.—*An Act to regulate the salaries and fix the compensation of the county officers of the County of Amador.*

[Approved March 20, 1876.]

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

Salaries
and fees.

SECTION 1. Such salaries and compensation shall be allowed to the officers hereinafter named, for their services respectively rendered in discharging the duties imposed upon them by law, as hereinafter provided, and such salaries shall be payable in gold or silver coin.

Of Sheriff.

SEC. 2. The Sheriff shall receive, for all services required of him by law or by virtue of his office as Sheriff and ex officio Tax Collector, and to include the pay of Jailer, Under Sheriff, deputies, and assistants, the sum of four thousand dollars per annum, and shall receive for his own use and benefit the mileage and compensation allowed by the State for services rendered in conveying prisoners to the State Prison and patients to the Insane Asylum; also, the compensation now allowed by law for feeding prisoners confined in the County Jail.

Of Clerk.

SEC. 3. The County Clerk shall receive, in full compensation for all services required of him by law or by virtue of his office of County Clerk and ex officio Recorder, Auditor, Clerk of the District Court, Clerk of the County Court, Clerk of the Probate Court, Clerk of the Board of Supervisors, Clerk of the Board of Canvassers, Clerk of the Board of Equalization, and County Sealer of Weights and Measures, and to include the pay of all deputies and assistants, the sum of three thousand five hundred dollars per annum.

Of District
Attorney.

SEC. 4. The District Attorney shall receive, in full compensation for all services required of him by law or by virtue of his office, the sum of twelve hundred and fifty dollars per annum, and also all fees and percentages now allowed by law for convictions, and fees now allowed by law in pros-

ecutions upon forfeited recognizances; *provided*, that no compensation shall be allowed for convictions had in Justices' Courts, unless he or his deputy shall have been personally present prosecuting the same; and when two or more persons are tried in one action and convicted, he shall only be entitled to the fees allowed by law for one conviction:

SEC. 5. The Treasurer shall receive, in full compensation for all his official services as Treasurer, as required by law or by virtue of his office, the sum of fifteen hundred dollars per annum; *provided*, that he shall also receive for his own use and benefit all commissions, percentage, and mileage now allowed him by the State. Of Treasurer.

SEC. 6. The Assessor shall receive, for all services required of him by law or by virtue of his office, the sum of one thousand dollars per annum, and shall also receive for his own use and benefit the percentage upon the collection of poll-tax allowed by law; all other fees and percentages now allowed by law shall be by him paid into the Salary Fund of said county. Of Assessor.

SEC. 7. The Superintendent of Schools shall receive, for all services required of him by law or by virtue of his office, five hundred dollars per annum. Of Superintendent of Schools.

SEC. 8. The Supervisors shall each receive a salary of four hundred and fifty dollars per annum, payable in monthly installments, as hereinafter provided; *provided*, that when a member is absent during the whole of a regular or special meeting of the Board of Supervisors, or Board of Equalization, or Canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of said Board, the sum of twelve and fifty one-hundredths dollars shall be deducted from his salary, for the month during which said regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof. Of Supervisors.

SEC. 9. A Salary Fund is hereby created for said county, into which all fees, commissions, percentages, and compensation received by each and all of the county officers of said county shall be paid, unless herein otherwise specially directed, and from which all salaries shall be disbursed. Salary Fund.

SEC. 10. The fees, percentages, commissions, and charges now established by law for the performance of any act or duty by any of the officers named in this Act, except services rendered for, or which are now paid by the County of Amador, shall continue and remain the established fees, percentages, commissions, and charges for such act or duty, and the respective officers herein named are hereby required to collect from the persons charged with the payment thereof, said fees, percentages, commissions, and charges for such duty performed, or to be performed, as provided by law.

SEC. 11. The County Clerk, as such Clerk and ex officio Auditor, County Recorder, Clerk of the District Court, Clerk Officers to keep records.

of the County Court, Clerk of the Probate Court, Clerk of the Board of Supervisors, Clerk of the Board of Canvassers, Clerk of the Board of Equalization, and County Sealer of Weights and Measures, and the Sheriff, as such Sheriff and ex officio Tax Collector, and the Assessor, shall keep a fee-book, in which shall be entered, by items, all services performed, and fees, percentages, commissions, and charges collected, with the name of the person or persons for whom service was performed, the nature of such service, the lawful charge, the amount charged, and the amount collected, and such book shall be open to public inspection during office hours; and each of said officers must, on the first Monday in each month, make out, in duplicate, a full and accurate transcript from his fee-book of the entries for the preceding month, and file one copy thereof with the County Auditor and the other with the County Treasurer, and must attach thereto an affidavit, duly subscribed and sworn to, as follows: I, _____, County _____ of Amador County, do swear that the foregoing is a true and correct statement of all the fees, percentages, commissions, charges, compensations, and collections, of whatever nature or kind allowed by law, and collected by me in pursuance thereof, for services rendered by me or my deputies, in my official capacity, for the month of _____, A. D. 18____, and that I have paid the same to the County Treasurer. Said affidavit shall also be indorsed on said fee-books.

Officers
responsible
for fees.

SEC. 12. If the officers named in section eleven of this Act neglect or fail to collect in advance, and in gold or silver coin, all fees, percentages, commissions, charges, and collections established and allowed by law, and which, by the provisions of this Act, are to be paid to the County Treasurer of said county, shall be held liable on their official bonds for the amount so remaining uncollected; and such amount shall be deducted from the salary of the officer failing to collect the same.

Salaries,
how paid.

SEC. 13. The salaries herein provided for shall be paid monthly; and the Auditor, on the first Tuesday of every month, shall draw his warrant, subject to the provisions contained in section fourteen of this Act, for the twelfth part of each officer's salary, on the Salary Fund of the county; *provided*, that warrants so drawn shall be payable out of the Salary Fund; and if there is not sufficient money in said fund to pay the whole of said warrants, a sufficient sum for that purpose shall be transferred to said fund from the Current Expense Fund of the county.

Uncollected
fees to be
deducted.

SEC. 14. The Auditor shall not draw his warrant for the payment, nor the Treasurer pay the whole or any part of the said twelfth part of the annual salary of each of the officers named in section eleven of this Act, unless they have complied with each and every provision of this Act. If it should appear from said transcripts that fees, percentages, commissions, charges, and collections remain uncollected, contrary to the provisions of this Act, it shall be unlawful for said Auditor to issue his warrant, or the Treasurer to pay the same, unless the amount remaining uncollected shall be

deducted from the salary of the officer or officers failing or neglecting to collect the same; or if the amount uncollected exceeds the salary for any one month, then so much thereof as will cover such salary shall be credited to such officer or officers, and the remainder deducted from the future salaries of such officer or officers, when the same are due, until the whole amount is paid.

SEC. 15. If any officer named in this Act shall retain or convert to his own use any of the moneys required by this Act to be paid to the County Treasurer of said county, or shall fail to keep a fee-book, or shall fail to make and file the transcript as required by section eleven of this Act, such officer shall be guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both; and upon such conviction, the office of the officer convicted shall be vacant, and the Board of Supervisors of said county shall fill such vacancy, as in cases of other vacancies. Such conviction shall not prevent recoveries against such officer and his bondsmen in civil action.

Default by officers.

SEC. 16. No other compensation shall be allowed or paid to any officer in this Act named, for official duty, except as in this Act provided.

SEC. 17. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they conflict.

SEC. 18. This Act shall take effect and be in force on the first Monday of March, A. D. eighteen hundred and seventy-eight, except those portions thereof affecting the County Assessor, which shall take effect and be in force from and after the expiration of the term of office of the present incumbent.

CHAP. CCLXXXV.—*An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Stanislaus, Fresno, and Sutter.*

[Approved March 20, 1876.]

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

SECTION 1. Any owner or occupant of any land or possessory claim in the Counties of Stanislaus, Fresno, and Sutter, finding any horse, mare, mule, colt, jack or jennet, or horned cattle, hogs, sheep, or goats, or any number of such animals, upon such land or possessory claim, whether such land or claim is inclosed or not, may take up such animal or animals and deliver the same to the Pound-keeper of the judicial township in which such animal or animals are taken up, and the owner or owners, or agent of such owner or owners, shall be liable to pay to the owner or occupant of said land or possessory claim all damages which such animal or animals may have committed on said land or possessory claim at the time

Owners to take up animals.

such animal or animals are found on such land or possessory claim, together with the expense of keeping such animal or animals, and the cost of driving the same to the township pound, which cost of driving shall not exceed two dollars per day for each man necessarily required to drive such animal or animals from the land or claim on which the same are found, to the pound of the judicial township in which said animals are taken up.

Constable to
be Pound-
keeper;
bond of.

SEC. 2. Each Constable, qualified and acting in each of the judicial townships of the Counties of Stanislaus, Sutter, and Fresno, shall be ex officio Pound-keeper for their respective judicial township. Each of said Constables, in addition to the official bonds now required to be given as Constables, shall give bonds in the sum of two thousand dollars, in the ordinary form of official bonds, for the faithful performance of the duties of Pound-keeper under the provisions of this Act. It shall be the duty of each Pound-keeper to provide one or more suitable inclosures in his judicial township, where animals, taken up under the provisions of this Act, may be safely corralled and properly kept and fed. Any person taking up animals under this Act, shall, within two days after such animals are taken up, make and subscribe an affidavit, stating therein the fact of the taking up of such animals, the land on which such animals were taken up, the day on which said animals were taken up, the amount of damages committed by such animals, together with a description of the number and character, and the marks and brands, if any, of the animals so taken up. Upon the delivery of said affidavit to the Pound-keeper, but not otherwise, it shall be the duty of that officer to receive said animals into his possession, and he shall safely keep and take care of the same until they are redeemed or sold, as hereinafter provided.

Persons
taking up
to make
affidavit.

Pound-
keeper's
fees.

Each Pound-keeper shall be entitled to receive, for the care and custody of such animals as may be delivered to him under the provisions of this Act, the following sums: For each horse, mare, mule, colt, jack, jennet, and each head of horned cattle, the sum of twenty cents per day; and for each head of swine, sheep, and goats, the sum of five cents per day, and the sum of twenty cents per mile for every mile necessarily traveled by him in the discharge of any duty under this Act. The party taking up and delivering to said Pound-keeper such animals shall be primarily liable to said Pound-keeper for said sums. And the Pound-keeper may demand of the party so taking up and delivering to him such animals, security for the payment to him of all cost and expenses that may accrue by reason thereof, and in case such security is not given, the Pound-keeper may refuse to receive such animals into his possession, or to care for the same. Upon receiving the affidavit and the animals therein described, as above required, the Pound-keeper shall, within two days thereafter, personally notify the owner or owners, or agents of such owner or owners of such animals, if known to him, and living within six miles of the place where the same are detained, by delivering to him or his agents as aforesaid, a copy of the affidavit received with the animals, which

Owners to be
notified.

may be served by delivering the same personally to such owner or owners, or his or their agent, or by posting the same in a conspicuous place at the residence of the person to be served, if such person cannot be found at his place of residence. The animals described in the affidavit may, at any time before or after service thereof, as aforesaid, be redeemed by filing an affidavit of ownership and the payment by the claimant to the Pound-keeper of all damages and accrued cost and expenses up to the time of redemption. The Pound-keeper shall be liable to the person taking up the said animals for his damages and fees for driving and delivering the same to the Pound-keeper, in case of redemption as aforesaid. All cost, fees, and damage shall be paid in gold coin.

Redemption
of animals.

SEC. 3. If said animals are not redeemed within ten days after they were received by the Pound-keeper, as aforesaid, he shall cause such affidavit to be published in some newspaper printed and published in the county, for at least two consecutive weeks, together with a notice of the time and place where the property described in the affidavit will be sold at public auction.

Notice of
sale.

SEC. 4. At the time and place mentioned in said notice, the Pound-keeper shall sell at public auction, to the highest bidder, for cash in gold coin, all of the property described in the affidavit. He shall execute and deliver to the purchaser or purchasers a bill of sale for the animal or animals purchased, describing them as nearly as possible, and stating the amount bid for the same, and that the said animals may be redeemed within sixty days from the date thereof by the payment of the amount mentioned in the bill of sale, with two per cent. per month interest thereon, in like gold coin. The Pound-keeper shall also file with the County Recorder, immediately after the sale, a list of the animals sold, as aforesaid, describing them as nearly as practicable, with the name and place of residence of the purchaser. The Pound-keeper shall be entitled to the same commissions for selling the animals as are now allowed Constables for like services.

Sale.

SEC. 5. At any time within sixty days from the date of the sale, the owner may redeem the animals sold under this Act, by paying to the purchaser the amount specified in the said bill of sale, with two per cent. per month interest thereon from the date of sale. Any overplus of the proceeds of such sale, after satisfying the damages and all fees and costs, shall be repaid by the Pound-keeper to the owner of the property sold, if said property is redeemed and the money demanded within sixty days from the date of sale. If the same is not demanded as aforesaid, the same shall be paid by the Pound-keeper to the County Treasurer for the benefit of the County School Fund. If no redemption is made within the time and in the manner aforesaid, the bill of sale shall be conclusive evidence of title in favor of the purchaser of the animals described therein.

Redemption
after sale.

SEC. 6. If the owner or owners appear and claim the animals, or any of them, described in the affidavit, and is dissatisfied with the amount of damages claimed in the affidavit, and cannot agree with the owner or occupant of the land, he

Damages to
be assessed.

Damages to
be assessed.

may choose one person, the owner or occupant of the land another person, and the two may choose a third, who shall assess the amount of damages sustained by the owner or occupant of the land, and shall award to him the amount found due, which said award shall be final. They shall notify the Pound-keeper, in writing, of the sum so awarded, who shall, upon the payment of the same with other cost as hereinbefore provided, deliver up said animals to the owner. If the animals described in the affidavit belong to different parties, the cost and damages may be apportioned by the Pound-keeper as nearly as may be in proportion to the number of the animals belonging to each separate owner.

SEC. 7. The term "occupant of any land," as used in this Act, shall be construed to include only such person or persons who shall be lawfully in the actual possession and occupancy of lands to which the title of the United States and this State shall have been extinguished; and the term "possessory claim," as used in this Act, shall be construed to embrace only the claim of a person who shall have settled upon and who is in the actual occupancy of public land of the United States, which possessory claim shall not exceed one hundred and sixty acres.

SEC. 8. Nothing in this Act shall be construed so as to repeal any of the estray laws or Acts to prevent the trespassing of animals upon private property, now in force in said counties, or either of them, but shall only be construed as an additional remedy thereto.

SEC. 9. This Act shall take effect and be in force from and after its passage; *provided*, that in the County of Sutter this Act shall not take effect nor be in force until the first day of July, eighteen hundred and seventy-six.

CHAP. CCLXXXVI.—*An Act to provide for the purchase and erection of certain bridges, and for the building and improvement of certain roads in the County of Mendocino.*

[Approved March 20, 1876.]

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

Supervisors
to sell bonds.

SECTION 1. The Board of Supervisors of Mendocino County are hereby authorized and directed to issue the bonds of said county to the amount of thirty-two thousand dollars, payable on the first day of February, A. D. one thousand eight hundred and ninety-six, or, at the election of said county, at any time after the first day of January, A. D. one thousand eight hundred and eighty-six, with interest at the rate of eight per cent. per annum, payable on the first day of February, both interest and principal payable in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars each, and shall be

signed by the Chairman of the Board of Supervisors and countersigned by the Auditor of the county; interest coupons shall be attached, signed in like manner. Said bonds shall be designated as the "Mendocino County Special Road and Bridge Bonds." Said bonds shall be appropriated as follows: Twelve thousand dollars thereof, if so much shall be required, to purchase the Noyo, Big River, Albion, and Navarro Bridges; four thousand dollars thereof, if so much shall be required, to complete the road from Boonville to Point Arena; ten thousand dollars thereof, if so much shall be required, to construct the road from the northern boundary of Mendocino County to the widow Wilson's dwelling, in Ten-mile Valley; and six thousand thereof, if so much shall be required, to construct a bridge across Russian River.

Bonds, how appropriated.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer; and when any coupons are paid, they shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the bonds and coupons redeemed.

Redemption of bonds.

SEC. 3. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of February succeeding.

Interest coupons.

SEC. 4. Said bonds shall not be dated, executed, or draw interest prior to the time of their actual sale or disposal.

SEC. 5. For the purpose of paying the interest on the said bonds, the Board of Supervisors of said county shall, at the time of levying the county taxes for each year, levy a special tax on all property in said county sufficient to pay the interest for one year on all of said bonds then outstanding. In making such levy the Supervisors shall not deem the value of the property of the county to be greater than it was shown to have been by the assessment of the preceding year. The special tax thus levied shall be assessed and collected as State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as the "Special Road and Bridge Interest Fund," and out of said fund the coupons on said bonds shall be paid as they fall due.

Special interest tax.

SEC. 6. If the amount realized from the collection of such special tax exceeds the amount required to pay the coupons falling due on the first day of February next succeeding the levy of such tax, the Board of Supervisors may transfer such surplus to the County General Fund.

Surplus proceeds.

SEC. 7. In and for the year eighteen hundred and eighty-six, and each year thereafter until the whole of said bonds are paid, the Board of Supervisors of said county shall levy and cause to be collected, at the time and in the manner as State and county taxes are levied and collected, a sufficient amount to pay ten per cent. of the whole issue of said bonds; and the tax thus levied and collected shall be set apart as a special fund, to be known as the "Special Road and Bridge Redemption Fund."

Redemption fund provided for.

SEC. 8. Whenever there shall be one thousand dollars or more in said last-named fund, the Treasurer shall cause notice to be published once a week, for three successive weeks, in some newspaper published in said county, which notice

Treasurer to give notice.

shall state that he is prepared to redeem, on a day to be named therein, bonds to the amount of the money then in said fund, and that until said day at twelve (12) o'clock m. he will at his office receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall, in the presence of the County Auditor, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted. If no bid shall be put in at par or less, or if a sufficient amount of bonds shall not be offered to absorb all the moneys then in said fund, then bonds to the amount of the moneys in said fund shall become due and payable in the order in which they are numbered; and the Treasurer shall give notice in like manner as above provided, and all interest thereon shall cease from and after thirty days from the first publication of such notice.

Supervisors
to sell bonds.

SEC. 9. Whenever, and at any time when, and only when, it shall become ascertainable by said Board of Supervisors when and what amount of funds may be required to carry out any of the subsequent provisions of this Act, the said Board shall cause a corresponding notice to be published once a week for three successive weeks in a newspaper published in said County of Mendocino, and also in a daily newspaper published in the City and County of San Francisco for the same period, that sealed proposals will be received by said Board of Supervisors for the purchase of bonds of the County of Mendocino, stating up to what day and hour, which shall be twelve o'clock m., and also the aggregate amount of bonds to be disposed of at the time, and the provisions of this Act concerning the payment of principal and interest. At the time appointed, said Board shall open all bids received, and award the bonds to the highest bidder; *provided, however*, that only United States gold coin shall be received in payment of such bonds, and that said Board may reject any and all bids, if deemed unsatisfactory, and proceed to advertise anew for proposals.

Special Road
and Bridge
Fund.

SEC. 10. The proceeds of the sale of such bonds shall be placed in the county treasury to the credit of a fund to be entitled the "Special Road and Bridge Fund."

Supervisors
to appoint
appraisers

SEC. 11. At the regular meeting of said Board of Supervisors next subsequent to the passage of this Act, or if said Board shall then fail to act in the premises, at any subsequent meeting of said Board, said Board shall appoint three competent and disinterested persons to appraise the bridges now located on the route of the public highway leading along and near the coast of the Pacific Ocean, and respectively spanning the Navarra, Albion, Noyo, and Big River; such appraisers shall meet at a time and place stated in the order for their appointment, or at any subsequent time or place, as they may agree, and proceed to a thorough examination of each of the bridges named, and appraise the same at their respective cash values. They shall, immediately after such appraisal, make out, under oath, a statement of the same, and transmit it to the Clerk of said Board. Said Board shall allow such compensation to such appraisers as they may

deem just and reasonable, to be paid out of said Special Road and Bridge Fund. Should such appraisalment not be deemed satisfactory by said Board, or should the persons appointed as appraisers fail or refuse to act, then said Board may appoint other appraisers for the same purpose.

SEC. 12. As soon as a satisfactory appraisalment has been obtained by said Board, and sufficient funds have been realized from the sale of such bonds, said Board of Supervisors shall order a warrant or warrants drawn in favor of the respective owner or owners of such bridges, for the amount for which each bridge has been respectively appraised, payable out of such Special Road and Bridge Fund, and shall delegate one of its members to make a tender thereof to the respective owner or owners of such bridge, and, in case of acceptance, to receive a proper and duly executed conveyance thereof to the County of Mendocino from the owner or owners, and to receive such bridge or bridges in behalf of said county, and to turn them over into the custody of the respective Road Overseers. Before the tender of such warrant such Board shall, with the assistance of the District Attorney, make due inquiry and become fully satisfied as to the ownership of such bridges, and that there are no incumbrances thereon.

Tender of payment to owners.

SEC. 13. Should any owner or owners of such bridge or bridges refuse to accept the appraised value thereof, then the said Board shall appoint Viewers to view out the exact site for a new bridge or bridges to be erected over the river or rivers, and adjacent to or in the vicinity of such bridge or bridges so refused to be sold, and to view out the new portions of road necessary to connect the ends of such contemplated bridge with the old highway. Said Board shall appoint a competent mechanic as one of such Viewers, who shall make out and add to their report a plan and specifications of the new bridge to be erected. Such Viewers shall be governed by, and remunerated in accordance with, the laws then in force; *provided*, that said Board shall allow a reasonable compensation for such plan and specifications, to be paid out of said Special Road and Bridge Fund. If the report of such Viewers shall not prove satisfactory, said Board may appoint other Viewers for the same purpose.

Viewers may be appointed.

SEC. 14. As soon as any such report has been approved by said Board of Supervisors, they shall advertise for sealed proposals for the construction of such bridge, in accordance with such plan and specifications, by publication in one or more newspapers of the county, for three successive weeks, stating the time up to which such proposals will be received. At the appointed time, they shall open such proposals and award the contract to the lowest responsible bidder, or they may reject any and all bids if none shall prove satisfactory, and advertise again for, and receive and act upon proposals. They may also consider and act upon bids made for a different plan and specifications; but no bridge shall be erected at a greater cost than the appraised value of the present bridge spanning the same stream.

Proposals for construction of bridge.

Contractor
to give bond.

SEC. 15. Any party to whom a contract may be awarded under the provisions of this Act, shall execute a good and valid bond to the County of Mendocino, in a sum to be fixed by said Board, with at least two sufficient sureties, for the faithful performance of such contract within the stipulated time, such bond to be approved by the Chairman of the Board of Supervisors after having been first subjected to the inspection of the District Attorney. Whenever said Board shall be notified of the completion of such bridge, they shall appoint a competent and disinterested mechanic to inspect the same, in company with one of the members of said Board delegated for that purpose. Said Board shall allow such expert a reasonable compensation for his services, payable by a warrant drawn on said Special Road and Bridge Fund. If such contract is found to have been fully complied with, such bridge shall be received and a warrant drawn for the payment thereof on said Special Road and Bridge Fund.

Additional
bridge.

SEC. 16. Said Board of Supervisors may also provide and contract for the construction of a bridge across the main Russian River, at such point above L. T. Long's dwelling as they think best, and all the preceding provisions of this Act, as far as practicable, shall apply to the location, construction, and payment for such bridge from the said Special Road and Bridge Fund.

Completion
of road.

SEC. 17. The said Board is hereby further authorized to expend eight of such bonds, of the denomination of five hundred dollars each, in completing the road between Boonville and Point Arena; the maximum grade, ascent, and the width of said road to be fixed by said Board. And the preceding provisions of this Act, as far as practicable, shall be applicable for the publication of notice for proposals, the letting of contract for the construction, and the inspection, reception, and payment for such road; *provided, however*, that no proposal shall be entertained nor contract let which shall not contemplate the completion of the whole road; *and provided further*, that no part or portion of the proceeds of said bonds shall be expended in making further views or location of said road.

Concerning
road extend-
ing into
Humboldt.

SEC. 18. In the event, and only in the event that the Commission, the appointment of which is provided for in the Act entitled "An Act for the construction and completion of certain roads in the County of Humboldt," approved February twelfth, eighteen hundred and seventy-six, shall elect to locate the road provided for in said Act from a point near Block's store, in Humboldt County, to a point near the widow Wilson's dwelling, in Ten-mile Valley, in Mendocino County, then it shall become incumbent upon the Board of Supervisors of said county to appropriate twenty of the aforesaid bonds, if that sum be found necessary, of the denomination of five hundred dollars each, to the construction of that part of such road as may be situated in Mendocino County, and to let the contract for its construction within sixty days after such Board shall have received due notice thereof, and the preceding provisions of this Act, as far as practicable, shall be applicable for the publication of notice

for proposals, the letting of the contract for the construction, and the payment for such road; *provided, however*, that no proposal shall be considered, nor contract awarded, which shall not contemplate the completion of all that part of such road situated in Mendocino County within the time specified by said Board, for a sum not exceeding ten thousand dollars, the par value of said bonds, and which shall not stipulate that the rise or descent in such road, longitudinally, shall in no place exceed twenty-two inches to the rod, and provide for a width of such road of at least seven feet solid ground, and for a suitable slope of the banks on the inside of grades not to exceed an angle of sixty degrees from a horizontal line, and that the road-bed shall have an even inclination so as to be six inches lower on the inside of a curve than on its outside, and shall be level, laterally, where the road is straight, and that there shall be a slight descent, longitudinally, for at least ten feet each way into the center line of each curve, and for the construction of culverts and underdrains for the proper drainage of the road, and for suitable turnouts for teams, sufficiently near to each other to be in sight of the intermediate portions of the road; and further, that the contractor shall engage to keep said road in repair up to the fifteenth day of April of the ensuing year in which the road shall have been accepted as completed by said Board of Supervisors, and providing for the retention of one-fourth of the contract price until said Board shall have received satisfactory evidence that such road has been duly kept in repair up to the time hereinbefore provided. Before the acceptance of such road as completed, said Board shall appoint the County Surveyor, or some suitable expert, to ascertain whether the contract has been fully complied with, and upon a favorable report, the said Board shall provide for the payment of three-fourths of the contract price, and upon a like inspection being made and a favorable report being received after the time has expired for which the contractor is bound to keep such road in repair, the said Board shall provide for the payment of the remaining one-fourth part of the contract price.

Concerning
road extend-
ing into
Humboldt.

Sec. 19. In case of the failure of any contractor to comply with the provisions of his contract, said Board of Supervisors shall commence an action for damages on the contractor's bonds, and may proceed to contract anew for the same work, in the manner hereinbefore provided.

Action
against
contractor.

Sec. 20. The said Board of Supervisors may, in contracting for the purchase of the bridge across the Navarra River, under the foregoing provisions of this Act, provide that the present owners of such bridge and their assigns shall continue to have the privilege of having a railroad track laid over such bridge, and to use the same for the purpose of the transportation of lumber; but the passage of such bridge as a public highway shall not be materially obstructed, and that such parties engage to keep such bridge at all times in thorough repair, without cost to the county or road district; and that whenever such conditions are no longer complied with, such privilege shall cease; *and provided further*, that it

Railroad
track may
cross bridge.

shall be discretionary with said Board of Supervisors whether they shall purchase the Albion Bridge or not.

SEC. 21. In making all or any contracts the Board of Supervisors may use and provide for paying out the bonds issued under the provisions of this Act, at their par value.

SEC. 22. This Act shall take effect from and after its passage.

CHAP. CCLXXXVII.—*An Act to provide for the issuance of bonds of the Town of San Luis Obispo.*

[Approved March 20, 1876.]

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

Trustees to
issue bonds.

SECTION 1. The Board of Trustees of the Town of San Luis Obispo are hereby authorized and empowered to issue and sell bonds of the Town of San Luis Obispo to an amount not to exceed the sum of fifteen thousand dollars, payable in gold coin of the United States at the office of the Town Treasurer, in the Town of San Luis Obispo, on or before the first day of January, in the year eighteen hundred and ninety-six, bearing interest not to exceed the rate of eight per cent. per annum, and payable annually on the first day of January in each year, in the gold coin of the United States, at the office of the Town Treasurer, in the said town.

Coupons.

SEC. 2. Said bonds shall be in sums of one hundred dollars each, and shall be signed by the President of the Board of Trustees and by the Treasurer of the said town, and shall have the seal of said town affixed thereto, attested by the Clerk of the Board of Trustees of said town; coupons for the interest shall be attached to each bond, signed by the Treasurer of said town.

Trustees to
sell bonds.

SEC. 3. Before the sale of said bonds, the Board of Trustees shall, at a regular meeting of the Board, cause to be entered upon the records of said Board, an order directing the sale of a special amount of said bonds, and the day and hour of such sale, and shall cause an order of such sale to be inserted in a newspaper printed and published in said town, and in other newspapers, if they shall deem such additional publication necessary and proper, for at least twenty days, and a notice that sealed proposals will be received by said Board for the purchase of said bonds. On the day and hour named in said order and published notice, the said Board of Trustees shall open all sealed proposals received by them and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Board may reject any and all bids; *and provided*, that no sale shall be made for a less rate than ninety-three per cent. of the par value of said bonds.

SEC. 4. The amount of bonds sold, and their number, shall be entered upon the records of said Board, in a book

kept for that purpose; *provided*, that if at the time specified in the order and published notice, as provided for by section three of this Act, no bonds are sold, or the amount of money realized from the sale of bonds at that time shall not equal the amount of the floating debt of the said town, then, and in either case, the said Board may again offer for sale the said bonds as provided for in said section.

SEC. 5. All the money arising from the sale of bonds, as herein provided, shall be paid into the town treasury of the said town, to the account of such funds as the Board of Trustees shall direct, and shall be used in the payment of the floating debt of said town; *provided*, that if any sums of money are remaining as a balance after the payment of the said floating debt, the amount of money so remaining may be used by the said Board of Trustees, first, in the erection of a city hall and jail in one building; second, in the erection of an engine-house; *provided*, that if, in the opinion of the said Board of Trustees, a city hall and jail, and an engine-house, each suited for the purposes and uses for which it is intended, can be erected in one building, then and in that case the said Board of Trustees may appropriate and use the said balance remaining in the erection of the said building together, in one structure.

City hall
and jail to
be erected.

SEC. 6. For the payment within twenty years of the principal and interest of the bonds issued under this Act, the Board of Trustees of said town is hereby authorized and required to levy annually, at the same time and in the same manner as other town taxes are levied, a tax on all the taxable property in said town, and to fix the rate of per cent. of such tax, over and above the amount provided by the Acts incorporating said town, sufficient to pay the interest on all bonds sold and unredeemed, as herein provided, not exceeding one per cent.; and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided; and in the year eighteen hundred and eighty-two, and annually thereafter, in addition to the tax for the payment of the interest as aforesaid, a tax, not exceeding one-fourth of one per cent. on each one hundred dollars of the taxable property in the said town, shall be levied as aforesaid, to create a fund to be known as the Redemption Bond Sinking Fund, for the final redemption of the said principal of said bonds at the time when they shall become due; and the faith and credit of said town is hereby pledged for the prompt payment of the bonds issued by said town as herein provided, and the final and complete redemption thereof; and any money so received by taxation shall not be applied or used for any other purpose than as herein provided.

Interest tax.

Redemption
Fund.

SEC. 7. On the first Monday in January in the year eighteen hundred and eighty-three, and in each year thereafter, whenever there remains in the sinking fund aforesaid the sum of five hundred dollars, more than will pay the interest then due, the Town Treasurer shall advertise for four weeks, in a newspaper printed and published in the said town, for sealed proposals, to be opened ten days after

Notice of
redemption.

Notice of
redemption

the last of said publications, by the Town Treasurer, in presence of the President of the Board of Trustees of said town, for the surrender of bonds issued under this Act. The said advertisement shall state the amount of money on hand for the purposes of redemption; and they shall accept the lowest proposals, at the rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand is exhausted; *provided, however*, that in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the sinking fund as appropriated to the payment of the principal of said bonds, then it is hereby made the duty of the Town Treasurer to advertise, in a newspaper printed and published in the Town of San Luis Obispo, for two months, which advertisement shall state the amount in the sinking fund appropriated for the payment of bonds, as provided in this Act, and the number of bonds, numbering them in the order of their issuance, which said fund is set apart to pay and discharge; and if such bonds, so numbered in said advertisement, shall not be presented for payment and cancellation within ten days after the expiration of publication of such notice, then said fund shall remain in the town treasury to discharge said bonds whenever presented; but such bonds shall not draw interest after the expiration of said ten days, after publication of notice as last aforesaid.

Treasurer
to report.

SEC. 8. The Town Treasurer shall keep a full and true account and record of his proceedings under this Act, and of bonds issued, sold, surrendered, and redeemed; and he shall transmit to the Board of Trustees an annual report, showing all his proceedings under this Act.

Treasurer to
pay interest.

SEC. 9. It shall be the duty of the Town Treasurer to pay the interest on said bonds, when the same falls due, out of money in the sinking fund appropriated to the payment of the interest thereon; and if the money in the said sinking fund is not sufficient to make such payment, then to pay said interest out of the General Fund.

SEC. 10. Immediately after the passage of this Act the Town Treasurer shall provide suitable bonds under this Act, under the direction of the Board of Trustees, at the expense of said town.

SEC. 11. Should said town be changed into a city before said bonds are issued and sold; the city succeeding to the present town government shall have power to carry out and execute the provisions of this Act, and may issue and sell said bonds in the manner prescribed herein; and said city shall succeed to all liability of the town on account thereof. In that case, said bonds shall be issued as the bonds of the city.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CCLXXXVIII.—*An Act to prevent goats running at large in the Town of Folsom, County of Sacramento.*

[Approved March 21, 1876.]

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

SECTION 1. It shall be unlawful for goats to run at large in the Town of Folsom, County of Sacramento.

SEC. 2. It shall be the duty of the Constable of Granite Township, Sacramento County, to take up all goats found running at large within the limits of the Town of Folsom. Constable to take up.

SEC. 3. The Constable shall proceed to sell all goats taken up under the provisions of this Act, by giving at least five days' public notice of such sale by posting notices in three places within the town where animals are so taken up; and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals upon demand, if demanded within thirty days from the date of sale; otherwise it shall, at the expiration of the said thirty days, be paid into the county treasury of the County of Sacramento, and placed to the credit of Granite School District, and become a part of the fund of said district. Goats to be sold.

SEC. 4. Any Constable purposely refusing or neglecting to take up all the goats running at large within the limits of the Town of Folsom, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars. Penalty for neglect.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

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

CHAP. CCLXXXIX.—*An Act concerning roads and highways in Lake County.*

[Approved March 21, 1876.]

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

SECTION 1. Each supervisor district in Lake County shall constitute a road district. Road districts.

SEC. 2. It shall be the duty of the Board of Supervisors, at their first regular meeting after the passage of this Act, to appoint a Road Commissioner for each of said road districts, who shall be a qualified voter and a householder in the district for which he is appointed, and who shall hold his office Supervisors to appoint Commissioners.

until the next general election for county officers of said county, and until his successor is duly elected and qualified. He shall, within ten days after notice of his appointment as such Road Commissioner by the Board of Supervisors, duly qualify and enter upon the discharge of his duties as Road Commissioner. At all general elections for county officers held in Lake County after the passage of this Act, Road Commissioners shall be elected to hold office for two years, or until their successors are elected and qualified, commencing at the same time with the terms of office of the County Clerk and County Treasurer.

Election of
Commissioners.

Same

SEC. 3. At all elections held under the provisions of this Act, returns must be made to the County Clerk at the same time and in the same manner as other election returns are made, and the Board of Supervisors shall, at their regular meeting for the opening of election returns and counting of votes for county and township officers, canvass the votes for the office of Road Commissioners, and the persons receiving the highest number of votes for that office in the several road districts shall be declared elected, and the County Clerk shall immediately thereupon transmit to the persons so elected certificates of their election. Such persons shall, within ten days thereafter, qualify by filing with the Clerk of the Board of Supervisors bonds in such sums as shall be deemed sufficient by the Board of Supervisors, and by taking and subscribing before the Clerk of the Board of Supervisors to an oath to faithfully and impartially discharge the duties pertaining to the office of Road Commissioner. The said bonds shall be made payable to the people of the State of California, and approved by the County Judge, before the said Road Commissioners enter upon the duties of their office.

Bond

Deputy Commissioners.

SEC. 4. The Road Commissioners provided for in this Act may appoint one or more Deputy Commissioners, whose claims for services shall be certified to by the Road Commissioners of the district in which he is employed, and allowed, modified, or rejected by the Board of Supervisors. If allowed, the Auditor shall draw his warrant in favor of said Deputy Road Commissioner or Commissioners, on the Road Fund of said district.

Work, how done.

SEC. 5. All work done on roads, and all bridges built or repaired in the County of Lake, shall be done under contract awarded to the lowest responsible bidder, after at least ten days' public notice shall have been given, by posting notices in three public places in the district where the work is to be performed, calling for sealed proposals, and stating the amount and description of the work to be done, or the materials to be furnished, and the time to be allowed for its completion, or a reference to specifications containing this information; *provided*, that when the cost of the work to be done, or the materials to be furnished, shall not exceed the sum of twenty-five dollars, the Road Commissioner may cause such work to be done, or materials to be furnished, without calling for sealed proposals; *provided further*, that the whole amount expended by any Road Commissioner, not under contract as herein provided, shall not exceed the sum

of two hundred dollars in any one year; *provided further*, that no contract for building or repairing bridges shall be let by said Road Commissioners, where the contract price exceeds the sum of three hundred dollars.

SEC. 6. All contracts let by said Road Commissioners for building or keeping in repair any roads or bridges in their respective districts, shall be let subject to the confirmation, modification, or rejection of the Board of Supervisors. Contracts.

SEC. 7. The Road Commissioners shall cause all public highways in their respective districts to be kept clear of all obstructions and in good repair, and cause banks to be graded and bridges and causeways to be constructed, and to be kept in good condition; and, for the above-named purposes, they shall have full power to contract for such labor and materials as may be found necessary to accomplish the same, subject to the limitation contained in section five of this Act. Private highways.

SEC. 8. Whenever any contract awarded under the provisions of this Act shall have been completed according to its terms, the Commissioner awarding the same shall certify his acceptance and approval of the work done and materials furnished thereunder, to the Board of Supervisors, who, if they deem the account for such work or materials correct, shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Road Fund of said district. Approval of work.

SEC. 9. Road Commissioners shall receive, for all services as such Road Commissioners, the sum of four hundred dollars per annum, and the Auditor is hereby directed to draw his warrant quarterly on the County Treasurer for the one-fourth of said salary, in favor of said Road Commissioners, payable out of the Road Fund of their respective districts. Salaries of Commissioners.

SEC. 10. All able-bodied male persons between the ages of twenty-one and fifty years, residents of said county, shall pay a poll-tax of two dollars and fifty cents in coin for the use of the Road Fund of the district in which they reside, provided the same be paid between the first Monday of February and the first Monday of July. But if said poll-tax is not paid prior to the first Monday of July it shall be three dollars and fifty cents. The road poll-tax shall be collected by the Assessor of the county, and the payment thereof may be enforced in the same manner as by law provided for the collection of poll-tax for State and county purposes. Road poll-tax.
Assessor to collect.

SEC. 11. The Board of Supervisors shall, when they levy taxes for State and county purposes, each year, levy a road tax not to exceed the sum of fifty cents on each one hundred dollars of taxable property in the county. Thirty per cent. of such tax shall be appropriated to the General Road Fund of the county, and the remainder to the several districts in which it is collected. They shall also levy a tax not to exceed twenty cents on each one hundred dollars of taxable property, in the road districts as constituted prior to the passage of this Act, against which an indebtedness exists; and when said indebtedness is removed, then said districts shall be abolished. Property road tax.

SEC. 12. The property tax authorized by section eleven of this Act, when levied, must be annually assessed and collected by the same officers, and in the same manner as other State and county taxes are levied, assessed, and collected, and paid over to the County Treasurer.

Districts
designated.

SEC. 13. Road districts, as constituted by this Act, shall be numbered as supervisors districts are now numbered, viz: Supervisor District Number One shall be known as Road District Number One; Supervisor District Number Two shall be known as Road District Number Two; and Supervisor District Number Three shall be known as Road District Number Three.

SEC. 14. For all costs and expenditures under this Act for work done on roads or bridges, or materials furnished, or for locating a new road, or for alteration of any road, the Board of Supervisors shall cause the County Auditor to draw a warrant on the Road Fund of the district in which such work is done or materials furnished.

SEC. 15. All Acts or parts of Acts in conflict with the foregoing are hereby repealed.

SEC. 16. This Act shall be in force from and after its passage.

CHAP. CCXC.—[See volume of *Amendments to the Codes*.]

CHAP. CCXCI.—*An Act to extend the franchise granted to J. E. Davis and A. P. Jordan and others to construct a wharf at Santa Cruz.*

[Approved March 22, 1876.]

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

Franchise
extended.

SECTION 1. The right of J. E. Davis and A. P. Jordan, their associates and assigns, to maintain a wharf at Santa Cruz, heretofore constructed under an Act entitled "An Act authorizing J. E. Davis and A. P. Jordan and others to construct a wharf at Santa Cruz," approved April third, eighteen hundred and fifty-six, is hereby extended twenty years from the second day of April, A. D. eighteen hundred and seventy-six, to said parties and their assigns, and the use of the land on which said wharf is constructed is released to said parties and their assigns for that period.

SEC. 2. The Board of Supervisors of the County of Santa Cruz must fix the tolls to be collected on said wharf in the same manner as provided for wharves constructed under the provisions of the Political Code.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXCII.—*An Act to extend the time for selling property for delinquent taxes in the County of Alpine.*

[Approved March 22, 1876.]

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

SECTION 1. The time within which the Sheriff of Alpine County may sell property for delinquent taxes for each year is hereby extended to the first day of July. ^{Time extended.}

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

CHAP. CCXCIII.—*An Act to authorize the Supervisors of San Bernardino County to levy a tax to pay for the building of the Court-house.*

[Approved March 22, 1876.]

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

SECTION 1. The Supervisors of San Bernardino County are authorized to levy a tax upon the assessed property of said county, not less than twenty cents, nor more than forty cents on each one hundred dollars, to pay the outstanding warrants drawn on the "Court-house Building Fund." Said levy shall be made annually until said warrants are paid, and if any overplus then remains in said fund, the same shall be placed in the "County General Fund" by the Treasurer. ^{Supervisors to levy tax.}

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

CHAP. CCXCIV.—*An Act concerning the salary of the District Attorney of San Bernardino County.*

[Approved March 22, 1876.]

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

SECTION 1. The annual salary of the District Attorney of San Bernardino County is one thousand dollars. ^{Salary.}

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

CHAP. CCXCV.—*An Act conferring certain powers on the Board of Supervisors of Stanislaus County in employing special counsel in certain cases.*

[Approved March 22, 1876.]

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

Supervisors
to allow at-
torney's fees.

SECTION 1. The Board of Supervisors of Stanislaus County are hereby authorized to allow, and the Auditor of said county shall draw his warrant on the Treasurer of said county for the sum so allowed, and the Treasurer of said county shall pay the same out of the General Fund of said county, in the same manner as other county warrants are paid, for the services heretofore rendered, or to be rendered, by Messrs. Hewel and Turner, attorneys-at-law, as special counsel in the prosecution of what are known as the "Fifth Senatorial District election fraud cases," in said county.

Further prosecu-
tions.

SEC. 2. That the said Board of Supervisors of said county is hereby authorized to make any further or other arrangements in regard to the prosecution of any action, criminal or civil, that have grown or may grow out of said election fraud matters, and to employ, and order paid out of the General Fund of said county, special counsel to conduct the same, or assist therein.

Attorney's
fees.

SEC. 3. That in no case shall the aggregate sum or sums contracted for or allowed for services already rendered in such matters, or to be rendered under the provisions of this Act, exceed the sum of five thousand dollars.

SEC. 4. This Act shall take effect immediately.

CHAP. CCXCVI.—*An Act to legalize and confirm the apportionment and levy of taxes in the City of San Diego.*

[Approved March 22, 1876.]

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

Action of
Trustees
confirmed.

SECTION 1. The rates and levy of taxes upon all property, real and personal, in the City of San Diego, for the general revenue and interest funds, for the fiscal year eighteen hundred and seventy-four, as made and adopted by the Board of Trustees of said city, October fifth, eighteen hundred and seventy-four, are hereby legalized and confirmed, and shall have the same force and effect as though they had been fixed by ordinance regularly published.

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

CHAP. CCXCVII.—*An Act making appropriations for certain deficiencies in the appropriations made for the twenty-sixth and twenty-seventh fiscal years.*

[Approved March 23, 1876.]

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

SECTION 1. The following moneys are appropriated, out of any moneys in the State treasury not otherwise appropriated, for the objects herein named: For deficiency in the salaries of the two members of the State Board of Equalization appointed by the Governor, three thousand dollars; for salary of the Clerk of said Board, six hundred dollars.

Salaries of Board of Equalization.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXCVIII.—*An Act to make applicable to Del Norte County an Act entitled "An Act in relation to fence and pound districts in the County of Sonoma," approved March second, A. D. eighteen hundred and seventy-two.*

[Approved March 23, 1876.]

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

SECTION 1. An Act entitled an Act in relation to fence and pound districts in the County of Sonoma, approved March second, A. D. eighteen hundred and seventy-two, is hereby made applicable to the County of Del Norte.

Act made applicable.

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

CHAP. CCXCIX.—*An Act to define the boundary and provide for the government of Levee District Number Two of Sutter County.*

[Approved March 23, 1876.]

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

SECTION 1. The territory embraced within the following boundaries, to wit: commencing at a point on the south bank of Bear Creek, where the line dividing section number twenty-nine into east and west halves, township thirteen north, range four east, base and meridian of Mount Diablo, intersects said creek, running thence down said creek, and with the meander of the same, to the point about fifteen chains south of the corner of sections numbers nineteen,

Boundary of district defined.

twenty, twenty-nine, thirty, township thirteen north, range four east—it being the present terminus of the levee; thence southerly following the levee to Feather River, opposite of the Town of Nicolaus; thence down said Feather River and along the levee to the point where the dividing line between the farms of D. H. Radfield and Phil. E. Drescher intersects said levee; thence southeasterly seventy-five (75) chains, following said dividing line; thence southwesterly along the rear line of said Radfield's farm to the northwest corner of the northeast quarter of section number twenty-four, township twelve north, range three east; thence south one and one-half of a mile to the center of section twenty-five; thence east one and one-half of a mile; thence north one and one-half of a mile to the corner of sections numbers nineteen, twenty, twenty-nine, and thirty, township twelve north, range four east; thence east forty chains; thence north one and one-half of a mile to the center of section seventeen; thence west twenty chains; thence north two miles; thence northeasterly to the point on township line twenty-five chains west of the southeast corner of section number thirty-two, township thirteen north, range four east; thence northwesterly to the point ten chains east of the center of said section thirty-two; thence north and northeasterly to the point twenty chains south of the corner of sections numbers twenty-eight, twenty-nine, thirty-two, and thirty-three, township thirteen north, range four east; thence north sixty chains; thence west to the center of section number twenty-nine; and thence north to the place of beginning, containing five thousand two hundred and twenty-six acres (5226).

Election of
Directors,
Assessor, and
Tax Col-
lector

SEC. 2. The Board of Supervisors of Sutter County shall, at their first regular meeting after the passage of this Act, cause an election to be held in the Town of Nicolaus, in Levee District Number Two, for the purpose of electing three Directors, one Assessor, and one Tax Collector for said levee district. Notice of such election must be posted in three public places in the district for ten days before holding the same; said notices shall name the time and place for holding the same, and name the offices to be filled, also the Inspector and Judges of Election. At said election none shall be permitted to vote except the qualified electors of the district. The returns, in accordance with the general election law, shall be made to the Board of Supervisors, and they shall canvass the said returns and declare the result, and the County Clerk shall issue certificate of election to the persons declared to be elected.

Directors to
organize.

SEC. 3. The Directors shall each, within ten days after receiving notice of his election, take the usual oath of office, and file it in the County Clerk's office, and they shall at their first meeting decide by lot, so that one shall go out of office on the first Monday of March, eighteen hundred and seventy-seven, another to go out on the first Monday of March, eighteen hundred and seventy-eight, and the other on the first Monday of March, eighteen hundred and seventy-nine. At said first meeting they shall elect a Chairman and a Clerk from their number, and a majority shall be a quorum for the

transaction of any business. The Board of Directors are hereby constituted and declared to be the legal representatives and successors of the Board of Supervisors of Sutter County, in all matters appertaining to Levee District Number Two, and they are hereby authorized to take absolute charge, control, and possession of the levee constructed along Bear and Feather Rivers at the expense of said district, and to construct any other levees or works of protection that they may deem necessary, just, and proper, to protect any property in said District Number Two, and to see to the repairing and strengthening the same; to make rules and regulations for keeping them clear from bushes, dry grasses, and other vegetation, to examine them in person at all times, vigilantly guard them against breaks, and to have at all times exclusive control and management of the same, and to perform all duties and to be invested with all the powers appertaining to said levee district, heretofore devolving on or invested in said Board of Supervisors, except as herein provided. All bills and accounts against said levee district, either for valid contracts or just claims, shall be presented to the Board of Directors, and by them approved; and upon said approval, the Clerk of the Board of Directors shall draw his warrant upon the County Treasurer for the amount of any account thus allowed by the Directors, and the Treasurer is hereby authorized to pay warrants so drawn out of any money in the fund of Levee District Number Two, Sutter County, not set apart for the payment of other indebtedness of said district; the Clerk of the Board of Directors is hereby required to keep a warrant-book and register all warrants drawn by him in the order of their issue.

Powers of Board.

Claims.

SEC. 4. The term of office of Directors is three years, and of Assessor and Tax Collector one year. Should a vacancy occur in the Board of Directors, it shall be filled by appointment, by the remaining members, and the person so appointed shall hold the office until the next election, when his successor shall be elected for the remainder of the term. Should a vacancy occur in the office of Assessor or Tax Collector, it shall be filled by a special election, to be conducted in all respects as the election provided for in the next section of this Act.

Officials' terms.

SEC. 5. All elections after the first herein provided for the election of Directors, Assessor, and Tax Collector, shall be held on the second Saturday of January, each year, and the term of office for each person elected shall commence on the first Monday of March next ensuing; and the Board of Directors are hereby required to post notices in three public places in said district. Said notices shall name the time and place for holding the same, and naming the offices to be filled; also the Inspector and Judges of Election. Returns, in accordance with the general election law, shall be made immediately to the Board of Supervisors, and shall be by them canvassed [and] disposed of as required in section two of this Act.

Subsequent elections.

SEC. 6. The District Assessor and Tax Collector shall each, before commencing the duties of his office, take the

Assessor and Collector to qualify.

usual oath of office and file it in the County Clerk's office, and shall, within thirty days after his election, enter into proper bonds in such amount as the Board of Directors may require, payable to Levee District Number Two, conditioned for the faithful performance of his official duties. Said bond shall be approved by the Board of Directors, and filed in the County Clerk's office; and he shall hold his office until the first Monday of March after the next election at which his successor shall have been elected, and until he has qualified, and shall have, while in the discharge of his official duties, all the power and authority given by law to County Assessors and Tax Collectors.

Assessments.

SEC. 7. It shall be the duty of the District Assessor, within the time required by law for County Assessors to perform his duties, to assess all the real and personal property in the district, and place the same in separate columns of the assessment roll to be prepared by him, and shall deliver the same, when completed, to the Board of Directors.

Directors to sit as Board of Equalization.

SEC. 8. When the Board of Directors shall receive the district assessment roll, they shall at once give notice, posted in three public places in the district, at least ten days before such meeting, that district assessment roll has been completed and is in their possession and open for examination, and that they will sit as a Board of Equalization, commencing upon a day and at a place to be named in the notices, and will continue to sit from day to day until the equalization is completed, and will hear and determine all complaints as regards valuation and assessment thereon. But said Board shall not sit more than two days. The Board of Equalization shall have power to determine all complaints and objections to valuation and assessment that may come before them, and shall have power to change any valuation or assessment that may to them seem just and proper. The Clerk shall note all alterations made in valuations or assessments, and within three days after the session have the total values, as finally equalized by the Board, extended in columns and added up; and in order to find the per cent. of taxes necessary to be levied, the Board of Directors shall find:

Powers and duties of Board.

First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district.

Second—The probable amount that may be needed for repairs and strengthening, but for which amount the tax shall not exceed two per cent., except upon petition of two-thirds of the tax-payers of the district.

Third—The amount needed for salaries, fees, and delinquencies.

Fourth—The amount of floating debt which is required to be paid during the then current year.

And from these several amounts shall find the rate of per cent. to produce the fund needed for the current year, and as soon as the tax has been determined as provided herein, to each tax-payer, the Directors must place the assessment roll in the hands of the Tax Collector.

SEC. 9. When the District Tax Collector shall receive the district assessment roll from the Directors, he shall at once give notice of the fact and that the taxes are due and payable at his office, and if not paid on or before the first Monday of January next succeeding the same, will become delinquent and will be collected under the same laws, rules, and regulations as apply to the collection of delinquent State and county taxes; the said District Tax Collector being hereby invested with all and the same power to make collection of taxes by sale and conveyance of real estate as is or may be hereafter conferred on Collectors of State and county taxes. The taxes levied and collected by virtue of this Act shall be called the "Levee District Number Two Tax," and shall be paid into the county treasury and placed to the credit of the district, and the moneys so paid into the treasury shall thereafter be known as the "Levee District Number Two Fund," and shall be paid only in the manner hereinafter provided. The Tax Collector shall make his settlement with the Clerk of the Board of Directors in the same manner as provided in the Political Code for the settlement of County Tax Collector with the County Auditor.

Powers and duties of Collector.

SEC. 10. Upon receipt of money from the District Tax Collector, the County Treasurer of Sutter County shall first set apart a sum sufficient to pay the interest, or interest and principal, that may become due, and pay the same as provided for in an Act entitled an Act to provide for funding the indebtedness of Levee District Number Two of Sutter County. He shall next pay out of said fund, in the order of their issuance, the warrants drawn thereon under the provisions of section three of this Act.

Treasurer to set apart moneys.

SEC. 11. If, through resignation, death, or otherwise, there should be no quorum of said Board of Directors, or if from any cause said Board should refuse or neglect to meet or to exercise the authority and perform the duties of said Board, then the power and authority of said Directors shall devolve upon and must be exercised by the members of the Board of Supervisors of said county.

Directors, no quorum.

SEC. 12. The District Attorney of Sutter County is hereby required to give the Directors the same legal advice and assistance, in the same manner and on the same terms, as he gives to the Board of Supervisors; and he is also required to give to the District Assessor and Tax Collector the same assistance and legal advice that he may be required to give the County Assessor and Tax Collector.

District Attorney.

SEC. 13. The Directors shall not be paid more than two dollars each for each day employed in attending to the duties herein required of him. The District Assessor shall not be paid more than two dollars per day, and his annual pay shall not exceed twelve dollars. The District Tax Collector shall receive such a sum, not exceeding three-fourths of one per cent. of all moneys collected by him and paid over to the County Treasurer, which the Directors may think just and proper; and the County Treasurer shall receive one-half of one per cent. on the moneys disbursed by him for the dis-

Compensation of officers.

trict; and the election officers named in this Act shall serve without fee and reward.

SEC. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CCC.—*An Act to amend an Act entitled an Act to provide for the payment of certain bonds of the County of Lake, approved March twenty-eighth, eighteen hundred and seventy-four.*

[Approved March 23, 1876.]

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

Election of
Road District
Assessor.

SECTION 1. Section two of said Act is amended so as to read as follows: Section 2. At the Presidential election in November, eighteen hundred and seventy-six, and until the bonds hereinafter mentioned shall be fully paid, there shall be elected an Assessor for said wagon road district, who shall be ex officio Collector for said wagon road district, and who shall hold office until the general State election following said Presidential election, and shall be elected every two years thereafter. At such elections only those persons shall vote for said officer who shall be qualified electors of the County of Lake, and shall have resided in said district at least thirty days before such election. Such elections shall be conducted in all respects as elections of county officers, and the return shall be made and canvassed and the result declared at the same time and in the same manner as elections of county officers are required to be by law. The present Assessor, who is made hereby ex officio Collector, shall continue in office until the qualification of his successor to be elected in November, eighteen hundred and seventy-six. Any vacancy in the office of Assessor and ex officio Tax Collector of said wagon road district shall be filled by the Board of Supervisors of Lake County, in the same manner as vacancies in county and township offices.

Salary.

SEC. 2. The Assessor and ex officio Tax Collector shall receive, for all services as such Assessor and ex officio Tax Collector, the sum of six hundred dollars per annum.

Bonds.

SEC. 3. The Assessor shall give a bond, with at least two sureties, to be approved by the County Judge of said county, for the faithful performance of the duties pertaining to the office of Assessor of such wagon road district, in the sum of two thousand dollars. The said Assessor and ex officio Tax Collector shall give a bond as such Tax Collector, with at least two sureties, to be approved by the County Judge of said county, for the faithful discharge of the duties pertaining to the office of Tax Collector of said wagon road district, in the sum of ten thousand dollars.

SEC. 4. All Acts or parts of Acts in conflict with the foregoing are hereby repealed.

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

CHAP. CCCI.—*An Act to establish the county line between the Counties of Fresno and Tulare.*

[Approved March 23, 1876.]

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

SECTION 1. The boundary line between the Counties of Fresno and Tulare shall be as follows: Commencing at a point on the eastern boundary line of Monterey County, as described in section three thousand nine hundred and forty-eight of Political Code, being on the summit of coast range, which point is south forty-five degrees west from the point on Kings River where the northern line of township sixteen south crosses the same; thence north forty-five degrees east to said point on Kings River; thence east along northern line of township sixteen south and continuing on said line to the northwest corner of township sixteen south, range twenty-five (25) east; thence north to the northwest corner of township fifteen (15) south, range twenty-five (25) east; thence east to the northeast corner of township fifteen south, range twenty-seven (27) east; thence north to the northeast corner of township fourteen south of range twenty-seven east; thence east on the line between township thirteen and fourteen south to the summit of Sierra Nevada, being the western line of Inyo County.

Boundary line defined

SEC. 2. All Acts and 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.

CHAP. CCCII.—*An Act amendatory of and supplementary to an Act entitled "An Act in relation to Coroners in the City and County of San Francisco," approved March sixteenth, eighteen hundred and seventy-two.*

[Approved March 23, 1876.]

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

SECTION 1. Amend section three of said Act so as to read as follows: Section 3. Whenever any Coroner shall receive notice that any person has been slain, or has committed suicide, or has died suddenly, or has been found dead under circumstances such as to require an inquisition, it shall be

Duties of Coroner.

his duty to go to the place where such person shall be, or if the body shall have been interred, shall cause it to be disinterred, and shall forthwith summon not less than nine or more than fifteen persons to serve as jurors, to appear before him forthwith, at such place as he shall appoint, and make inquisition concerning such death. He shall summon none but persons duly qualified by law to serve as jurors, and no such person shall be exempt, except at the discretion of the Coroner. No person shall be summoned who is related to the deceased, or to any person who may be suspected or charged with the killing; nor shall any one be summoned who is known to be prejudiced for or against him, but the jurors who are selected and appear shall not be challenged by any party.

Deputies,
salaries of.

SEC. 2. Amend section twenty-eight of said Act so as to read as follows: Section 28. The Coroner of said city and county shall be authorized to appoint two Clerks, who shall be sworn to act as First and Second Deputy Coroners in all matters, except those duties on inquests which have been forbidden to be delegated by this Act. The salary of the Clerk sworn to act as First Deputy Coroner shall not exceed one hundred and fifty dollars per month, and the salary of the Clerk sworn to act as Second Deputy Coroner, one hundred and twenty-five dollars per month, which shall be paid from the Special Fee Fund of the said city and county. The Coroner of said city and county shall be authorized to appoint a Messenger, whose duty it shall be to have charge of the dead wagon, keep in order the morgue, and perform such other duties as are required by the Coroner or his deputies in connection with the duties of his office. He shall receive a salary not to exceed seventy-five dollars per month, to be paid in like manner as that of the Coroner's Clerks.

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

CHAP. CCCIII.—*An Act to authorize the corporation of the City of Los Angeles to issue bonds for building a main public sewer in said city, and to provide for their payment.*

[Approved March 23, 1876.]

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

Common
Council to
issue bonds

SECTION 1. The Common Council of the City of Los Angeles is hereby authorized and empowered, for and in behalf, and in the name of the said corporation known as the Mayor and Common Council of the City of Los Angeles, to issue bonds of said city to such amount as the Common Council shall see fit, not exceeding the sum of thirty thousand dollars, to sell the same and appropriate the money received therefor to the acquisition, by purchase or otherwise, of the needed right of way, and to the construction in said

city of a main public sewer of such dimensions and materials and in such manner as the Common Council shall determine to be best.

SEC. 2. Each of the said bonds shall be regularly numbered in numerical order, and shall be issued in such sum, not exceeding one thousand dollars, as the Common Council shall direct; shall be signed by the Mayor and City Treasurer of said city respectively, and countersigned by the Clerk of the Common Council, and have the corporate seal of said city affixed thereto; shall be payable to bearer in gold coin of the United States at the office of the City Treasurer of said city, in said city, twenty-five years from and after the first day of July, (A. D. 1876) eighteen hundred and seventy-six, and shall bear interest at the rate of seven (7) per cent. per annum from date until paid; and to provide therefor, shall have attached thereto, in the usual form, coupons signed by the City Treasurer of said city; the interest to be payable semi-annually, on the first day of January and the first day of July of each year, at the office of said Treasurer; both principal and interest to be paid out of the fund hereinafter established.

Form of bond.

When payable.

Interest coupons.

SEC. 3. There is hereby created a fund in said city to be known and called "The Main Sewer Fund," and the City Treasurer of said city is hereby required and directed to keep a regular account upon his books with said fund. For the purpose of providing for the payment of the semi-annual interest on said bonds, and their final redemption and discharge, the authorities of said city are hereby authorized and required, annually each year, at the same time and in the same manner as other municipal taxes in said city are assessed, levied, and collected, to assess, levy, and collect, so long as required, upon all taxable property in said city, a tax of not exceeding one-fourth of one per cent. upon each one hundred dollars of such property, all of which taxes shall be paid to said City Treasurer and be by him placed to the credit of said "Main Sewer Fund," and applied to the payment of the principal and interest of said bonds.

Main Sewer Fund.

SEC. 4. Whenever at any time there shall be to the credit of said fund any sum in excess of the aggregate of the sum of five thousand dollars and the amount that will be required to pay the semi-annual interest next thereafter to be paid on said bonds, the Common Council of said city is hereby authorized to direct and require the City Treasurer of said city to advertise for the redemption of bonds issued under this Act.

Notice of redemption.

SEC. 5. It shall be the duty of the Mayor of said city, the City Treasurer, and the Clerk of the Common Council, to make out and return to the Common Council of said city, within thirty days after the issuance of such bonds, a list thereof, showing the number and amount of each and to whom sold and delivered, which report shall be entered in full upon the minutes of the Council, and the original preserved in the office of said Clerk; and it shall be the further duty of the City Treasurer to enter such list in a suitable book, which shall be preserved in his office.

Record of sales.

SEC. 6. In providing for the sale of said bonds, for their redemption before maturity, and in all other cases referred to in this Act, the Common Council shall have the power and authority to reject any or all proposals, and to do and perform such other things concerning the construction of said sewer and the issuance, sale, or redemption of said bonds before maturity, as to it may seem best for the interest of said city.

SEC. 7. This Act shall take effect immediately.

CHAP. CCCIV.—*An Act to repeal an Act entitled "An Act to incorporate the Town of Menlo Park, in the County of San Mateo," approved March twenty-third, eighteen hundred and seventy-four.*

[Approved March 23, 1876.]

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

Repeal.

SECTION 1. An Act entitled "An Act to incorporate the Town of Menlo Park, in the County of San Mateo," approved March twenty-third, eighteen hundred and seventy-four, is hereby repealed.

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

CHAP. CCCV.—[See volume of *Amendments to the Codes.*]

CHAP. CCCVI.—[See volume of *Amendments to the Codes.*]

CHAP. CCCVII.—*An Act to enable the Trustees of Spring School District, in Los Angeles County, to raise a sufficient sum by taxation to furnish the necessary additional school facilities for said district.*

[Approved March 23, 1876.]

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

School Trustees to levy tax.

SECTION 1. The Board of Trustees of Spring School District, in the County of Los Angeles, are hereby authorized and empowered to levy a tax for school purposes within said district, not exceeding the sum of five thousand dollars in gold coin, exclusive of the expenses of collection.

SEC. 2. To authorize such tax an election must be called, and such other proceedings in all respects had as are required by the provisions of the Political Code in such cases made and provided; *provided, however*, that section eighteen hundred and thirty-nine of said Code, in reference to the maximum of such taxes, shall not apply to or bind such Trustees; but they may levy as high a percentage on every hundred dollars of assessed value as shall be necessary to produce the said sum of five thousand dollars, together with the cost of assessing and collecting the same.

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

CHAP. CCCVIII.—*An Act to amend section twenty-one of an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, California.*

[Approved March 23, 1876.]

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

SECTION 1. Section twenty-one is hereby amended so as to read as follows: Section 21. Any person or persons desiring to establish a road for private convenience, and which is not intended for the benefit of the traveling public generally, may do so by the consent of the parties owning the land affected thereby, but such consent, together with a specified description of the proposed private road, and the conditions in reference to gates, inclosures, or other matters agreed upon, shall be filed with the Board of Supervisors, or their Clerk; and upon filing of such consent and specified description, such road shall be recorded in the road record of the county, and shall become to all purposes a private road for the use of parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense, and may expend the amount of their poll-tax upon such private roads, and for such service they shall receive a certificate from the Road Superintendent on the same conditions and for the same purposes as provided for labor on public roads. Whenever any person or persons wishing to establish a private road, and from any cause are unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken, and the same law shall apply thereto, as in the establishment of public roads, except that only one petition shall be necessary; and in the assessment of damages, the Road Viewers shall contemplate the erection of good and sufficient gates, or such other means of protection as the petitioner or petitioners may propose to erect, and the final establishment of such private roads shall be conditioned upon erection and keeping in repair of all such gates or safe-

Private roads, consent of parties necessary.

To be kept in repair.

guards provided for, and the payment of all such costs as may have accrued, or such damages as may have been assessed, and every order establishing a private road shall specify the width of such road, which shall not exceed thirty-three feet.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCIX.—*An Act to repeal section two of "An Act entitled an Act to regulate the fees of the County Clerk of Santa Clara County," approved March the second, eighteen hundred and seventy-two.*

[Approved March 23, 1876.]

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

Repeal.

SECTION 1. Section two of said Act entitled "An Act to regulate the fees of the County Clerk of Santa Clara County," approved March the second, eighteen hundred and seventy-two, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCX.—*An Act to prevent hogs and goats running at large in the Town of Sutter Creek, Amador County.*

[Approved March 23, 1876.]

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

SECTION 1. It shall be unlawful for hogs or goats to run at large in the Town of Sutter Creek, Amador County.

Constables to take up.

SEC. 2. It shall be the duty of the Constables of township number four, Amador County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Sutter Creek.

Sales of animals.

SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days' public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up; and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from date of sale; otherwise, it shall, at the expiration of the said thirty days, be paid into the county treasury of Amador County, and be placed to the credit of Sutter Creek School District, and become a part of the fund of said district.

Proceeds, how used.

SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Sutter Creek, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars. Penalty for neglect.

SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public streets or thoroughfares of said town.

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

CHAP. CCCXI.—*An Act to legalize the assessment of taxes in Winship School District, County of Sutter.*

[Approved March 23, 1876.]

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

SECTION 1. The assessment of taxes upon all property, both real and personal, in Winship School District, County of Sutter, by the Assessor of said district, and returned to the Trustees as the assessment therein, for the purpose of building a school-house, is hereby legalized and confirmed, and rendered valid and binding both in law and equity, as the legal and proper assessment for said school district, against the persons and property assessed; and no defect or informality in holding the election, or in the levy or assessment, or failure to comply with previous Acts of the Legislature regulating elections or assessments, shall constitute a defense to any action brought to enforce the payment of said taxes. Assessment confirmed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXII.—*An Act to fix the terms of the County and Probate Courts in and for the County of Amador.*

[Approved March 23, 1876.]

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

SECTION 1. The regular terms of the County and Probate Courts, in and for the County of Amador, shall be held at the county seat of said county on the third Monday in March, second Monday in August, and first Monday in December, in each year. Terms fixed.

SEC. 2. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force on the fifteenth day of April, A. D. eighteen hundred and seventy-six.

CHAP. CCCXIII.—*An Act entitled an Act amendatory of and supplementary to an Act entitled an Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school-house, approved March twentieth (20th), A. D. eighteen hundred and seventy-four (1874).*

[Approved March 23, 1876.]

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

Terms of
Assessor and
Collector.

SECTION 1. The official terms of the Assessor and Collector elected under the provisions of said Act shall begin on the second Monday after their election, and each shall hold office for two years after his election, and until his successor is elected and qualified.

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

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXIV.—*An Act regulating fees and mileage in criminal cases in the County of Nevada.*

[Approved March 23, 1876.]

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

Mileage and
fees of
Sheriff and
Constables.

SECTION 1. The Sheriff and Constables in the County of Nevada shall be allowed thirty cents per mile for every mile necessarily traveled, in going only, in executing any warrant of arrest and returning the prisoner before a magistrate, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate, otherwise than on warrant of arrest, or to prison, or for mileage in any criminal case or proceeding; *provided*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged; *provided*, that nothing in this Act shall be so construed as to allow the Sheriff or Constables mileage for returning a prisoner before a magistrate on executing a warrant of arrest.

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

CHAP. CCCXV.—*An Act relating to road districts and Road Overseers in the County of Sierra.*

[Approved March 23, 1876.]

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

SECTION 1. The Board of Supervisors of Sierra County shall have supervision and control of the road districts in the county, and may change the boundaries thereof or establish new districts whenever deemed necessary. The Board shall, at its regular meeting in November in each year, or whenever a vacancy occurs, appoint an Overseer for each road district, upon petition of property tax-payers thereof, with power to remove for cause. The Road Overseers at present in office shall hold their respective offices until the first Monday in November, eighteen hundred and seventy-six, and until their successors are appointed and qualified. The final report and settlement of the Road Overseers shall be made to the Board of Supervisors on the first Monday in November in each year, or whenever required by the Board. Subdivision one of section twenty-six hundred and forty-seven of the Political Code shall not apply to the County of Sierra.

Supervisors to appoint Overseers.

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

CHAP. CCCXVI.—*An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Lake County to issue bonds of said county to pay a judgment recovered against said county in the Sixth Judicial District Court in and for Yolo County, in the State of California, on May sixth, A. D. one thousand eight hundred and seventy-five, approved March fourteenth, A. D. one thousand eight hundred and seventy-six.*

[Approved March 23, 1876.]

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 so as to read as follows: Section 2. Said bonds, when so prepared, shall have attached unto them coupons for interest, which said interest shall be paid annually; and upon the payment of any of said bonds, or the interest thereon, as hereinafter provided, it shall be the duty of the County Treasurer of said County of Lake to take possession of such bond or coupon, and to mark the same with the word "Canceled" and the date of such cancellation, and to preserve the said canceled bond or coupon in his office, nor shall he pay any such bond or coupon until it shall be surrendered for payment and cancellation.

Bonds and coupons to be canceled when paid.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXVII.—*An Act to authorize the Board of Supervisors of the County of Stanislaus to purchase the toll-bridge across the Stanislaus River at Knight's Ferry.*

[Approved March 23, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Stanislaus are hereby authorized to purchase from the Stanislaus Bridge Company the toll-bridge of said company crossing the Stanislaus River at Knight's Ferry, at a cost not exceeding fourteen thousand dollars.

SEC. 2. From the time of such purchase said bridge shall become the property of the County of Stanislaus, and the said Board of Supervisors are hereby authorized and empowered to charge and collect such rates of toll as they may from time to time fix by the action of said Board, until the sum arising therefrom, over and above the cost of collecting the same, shall amount to the sum of ten thousand dollars, from and after which time said bridge shall be declared a free bridge, and no further tolls shall be charged; *provided*, that at any time, if they deem that the interest of the public and the people of the county would be subserved thereby, said Board of Supervisors may order the collection of tolls to cease, and declare said bridge to be a free bridge.

SEC. 3. Said Board of Supervisors shall appoint some suitable person to collect the tolls charged for crossing on said bridge, and to perform such other services in connection with the management of said bridge as may be required by said Board; such person, before entering upon the discharge of his duties, shall give a bond in the sum of two thousand dollars, for the faithful discharge of his duties, subject to the approval of and to be filed with said Board.

SEC. 4. The person appointed collector of tolls shall faithfully collect all tolls chargeable for crossing said bridge, in accordance with the rates established by said Board, from all persons crossing or using said bridge, and keep a faithful and itemized account of such collection; on the first day of each regular term of said Board, he shall present to said Board a full and complete abstract of his account, showing the amount collected by him during the period then ended, which account shall be verified by his oath in such form as the said Board may prescribe, and after the said account has been examined and approved by said Board, he shall pay the amount collected by him to the County Treasurer.

SEC. 5. The person appointed collector of tolls shall receive a compensation to be fixed by the Board of Supervisors of said county, not, however, to exceed the sum of fifty dollars per month, which compensation, when so fixed, shall be in full for all services rendered by him under the provisions of this Act; such compensation shall be audited and allowed by said Board at each regular meeting, the same as other county charges, and when so audited and allowed, shall be

Supervisors
to purchase
bridge.

When tolls
may be
abolished.

Toll Collect-
or, bond of.

Duties of
Collector.

Salary.

paid by the County Treasurer out of the Road Fund of said county.

SEC. 6. The said Board of Supervisors are hereby authorized, to enable them to procure the necessary means to make the purchase herein authorized, to issue the bonds of said county for the sum of fourteen thousand dollars, payable in annual installments of one thousand dollars of the principal on the second Monday in January, in each and every year after their issuance, until such bonds are fully paid and redeemed; and the same shall bear interest from the date of their issuance, at the rate of eight per cent. per annum, such interest payable annually, at the same time as the principal, both principal and interest to be paid at the office of the County Treasurer of said county, and in the gold coin of the United States exclusively; *provided*, all of said bonds shall be redeemed within fourteen years of their issuance.

Supervisors to issue bonds.

When redeemed.

SEC. 7. Said bonds shall be issued in denominations of five hundred dollars each, each with fourteen coupons attached thereto, expressing the amount of interest to accrue on such bonds; said bonds and coupons shall be issued, signed, attested, numbered, recorded, registered, canceled, and may be sold by the Board of Supervisors in the same manner as was provided by law for the bonds and coupons issued under the provisions of an Act entitled an Act to provide for the erection of a Court-house and Jail in the County of Stanislaus, approved February first, eighteen hundred and seventy-two (Stats. 1871-2, p. 40); *provided*, the Board of Supervisors of said county may sell any or all of said bonds at par, without advertising.

Sale of bonds.

SEC. 8. All moneys received by the county, and all moneys authorized to be paid under the provisions of this Act, shall be paid into and out of the General Road Fund of said county.

SEC. 9. In addition to the taxes now authorized to be levied for road purposes in said county, for the purpose of redeeming the principal and interest of said bonds as the same become due and payable, said Board of Supervisors are hereby authorized to levy an additional tax for road purposes, not to exceed five cents on each one hundred dollars of the taxable property of said county.

Levy of road tax.

SEC. 10. The Treasurer of said county shall, on or before the first day of December in each year, advertise in a newspaper published in the County of Stanislaus, for two consecutive weeks, calling for bids for the surrender, cancellation, and payment of two of said bonds; the bids so received by him shall, on the second Monday in January, be opened by said County Treasurer and County Auditor, at which time the bid of the person offering to surrender two such bonds for the least sum below their par value shall be received, and the two bonds so offered to be surrendered shall be paid and canceled; *provided*, no bid offering to surrender any of said bonds above their par value shall be considered by said officers; *provided further*, that if no bids are received, said Auditor and Treasurer shall declare the two bonds then standing first in number on the register kept by the County

Treasurer to give notice of redemption.

Treasurer payable, and the holder of said bonds, if known to him, shall be personally notified of such fact by the County Treasurer, and if not so known, then such owner shall be notified by an advertisement in a newspaper published in said county, for two weeks, calling for a surrender of such bonds; and from the time of the order the interest on the bonds so declared payable shall cease.

SEC. 11. This Act shall take effect from and after its passage.

CHAP. CCCXVIII.—*An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences, or otherwise, and to prevent hunting upon inclosed lands in the State of California.*

[Approved March 23, 1876.]

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

Misdemeanor.

SECTION 1. Every person who shall open any gate, bars, or fence of another, for the purpose of passing through, and shall willfully leave the same open, without the permission of the owner, is guilty of a misdemeanor.

Same.

SEC. 2. Every person who willfully opens, tears down, or otherwise destroys any fence on the inclosed land of another, is guilty of a misdemeanor.

Same.

SEC. 3. Every person who willfully enters upon the inclosed land of another for the purpose of hunting, or who discharges fire-arms, or lights camp-fires thereon, without first having obtained permission of the owner or occupant of said land, is guilty of a misdemeanor.

Same.

SEC. 4. Every person who willfully, carelessly, or negligently, while hunting or camping upon the inclosed land of another, kills, maims, or wounds an animal, the property of another, is guilty of a misdemeanor.

Same.

SEC. 5. Every person who, upon departing from camp, willfully leaves the fire or fires burning or unextinguished, is guilty of a misdemeanor.

Penalty.

SEC. 6. Every person found guilty of any of the misdemeanors herein mentioned shall be fined not less than twenty nor more than fifty dollars, and shall be imprisoned in the County Jail until such fine be satisfied, not exceeding one day for every two dollars thereof.

SEC. 7. All Acts and parts of Acts in conflict herewith are repealed; *provided, however,* nothing herein contained shall be construed as repealing section five hundred and ninety-four of the Penal Code.

Counties exempt.

SEC. 8. Section three of this Act shall not apply to the Counties of Los Angeles, San Diego, Sutter, San Benito, Del Norte, El Dorado, Colusa, Yuba, Humboldt, Amador, Tuolumne, San Luis Obispo, Plumas, Lassen, Siskiyou, Modoc, Shasta, Trinity, Sierra, Placer.

SEC. 9. This Act shall take effect immediately.

CHAP. CCCXIX.—*An Act to require the ex-Tax Collectors of the City and County of San Francisco to pay into the treasury of said city and county certain moneys retained by them.*

[Approved March 23, 1876.]

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

SECTION 1. The ex-Tax Collectors of the City and County of San Francisco, and each of them, shall, within sixty days after the passage of this Act, pay and deliver to the Treasurer of said city and county all moneys heretofore collected by them, or either of them, or paid to them, or either of them, as State or county taxes, or city and county taxes, or "outside land taxes," so-called, whether paid to them, or either of them, under protest or otherwise, and the said Treasurer is hereby directed to receipt for the same. Upon such payments, the said ex-Tax Collectors, and each of them, and their sureties upon their and each of their official bonds, are hereby released and discharged of and from any and all liability for the amounts so paid. Moneys to be paid over.

SEC. 2. Any of said ex-Tax Collectors failing to comply with the provisions of section one of this Act, or to make the payments as therein provided, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Prison for a term of not less than one year, nor more than five years. Felony.

SEC. 3. If, in any of the actions now or hereafter pending against said ex-Tax Collectors, or either of them, for the recovery of said moneys, judgment shall be finally rendered in favor of the plaintiffs therein, it shall be the duty of the Auditor of said city and county, upon presentation of a certified copy of such judgment, to draw his warrant in favor of such plaintiff upon the General Fund of said city and county, for the proportion due from said city and county of the amount of such judgment and costs; and the Treasurer of said city and county shall pay the same; and, upon a like presentation of a certified copy of such judgment, the Controller of State shall draw his warrant in favor of such plaintiff upon the General Fund of the State, for the proportion due from the State of the amount of such judgment and costs, and the State Treasurer shall pay the same; *provided*, that the amount of money collected by such ex-Tax Collectors shall have been paid and delivered to such Treasurer, as provided in section one of this Act. Judgment, how paid.

SEC. 4. This Act shall take effect immediately. Controller to draw warrant.

State Treasurer to pay.

CHAP. CCCXX.—*An Act authorizing the Board of Trustees of Lompoc School District, in Santa Barbara County, to issue bonds to build public school-houses.*

[Approved March 23, 1876.]

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

Electors to
vote on issu-
ing bonds.

SECTION 1. The Board of Trustees of Lompoc School District, in the County of Santa Barbara, are hereby authorized, at any time within one year from and after the passage of this Act, to call an election of the qualified voters of said school district, to submit to them the question, whether or not bonds of said district to an amount not exceeding eight thousand (\$8,000) dollars, shall be issued for the purpose of building and furnishing three school-houses in said district, and for the purpose of electing an Assessor and Collector for said school district.

SEC. 2. Such election must be called by the posting of notices, in three of the most public places in said district, for at least thirty days next preceding the time of holding such election. Such notices must specify the time and place of holding the election, the amount of bonds proposed to be issued, and the purpose for which the moneys derived from the sale thereof are intended to be used, and the officers to be elected thereat.

SEC. 3. The Board of Trustees of said school district must appoint three judges to conduct the election, and it must be held in all respects, as nearly as practicable, in conformity with the general election law.

Form of
ballot.

SEC. 4. At such election the ballots must contain the words "Issuance of bonds—Yes," or "Issuance of bonds—No," and also the name of one person as Assessor and one as Collector; *provided*, one and the same person may be elected to both offices.

Trustees to
determine
result.

SEC. 5. If the majority of the votes cast are "Issuance of bonds—Yes," the officers of the election must certify the fact to the Board of Trustees, and also certify the names or name of the persons or person having the plurality of the votes cast for Assessor and Collector, and the Board of Trustees must thereupon issue certificates of election to such persons or person. The Board of Trustees of said school district shall thereupon be authorized to issue the bonds of said school district to the amount of not exceeding eight thousand (\$8,000) dollars, to be styled "Lompoc School District Bonds," which shall be issued in sums of not less than one hundred (\$100), or more than five hundred (\$500) dollars, and be made payable in United States gold coin at the office of the County Treasurer of the County of Santa Barbara, on the first day of January, A. D. eighteen hundred and eighty-seven, and shall bear interest in like gold coin at the rate of ten (10) per cent. per annum from the date of their issuance, with coupons attached, six (6) months interest each, payable successively at the office of the said County Treasurer, on

Issuance of
bonds.

the first day of January and July, in each year, after the issuance of said bonds, until their maturity. Said bonds shall be signed by the Clerk of the Board of Trustees of said school district and the County Auditor of said county, and shall be authenticated with the seal of the County Court of said county, and shall purport that the said school district owes to the holder thereof the principal sum therein mentioned, respectively, in United States gold coin, payable and bearing interest as aforesaid.

SEC. 6. Said bonds shall be sold by the said Board of School Trustees to the person or persons offering the highest price therefor; *provided*, no bid shall be accepted for less than ninety-five per cent. of the value of said bonds; and it shall be the duty of said Board of School Trustees to advertise the same for sale by publishing a notice of such sale at least four weeks in some newspaper printed and published in the City and County of San Francisco, and in some newspaper printed and published in said school district, inviting proposals for the purchase thereof; and the purchaser or purchasers whose bid or bids are accepted shall pay to the County Treasurer of the County of Santa Barbara the amount bid by him or them, and shall be entitled to receive from said Treasurer the bonds so purchased, and the proceeds thereof shall constitute a special fund for said school district.

SEC. 7. The said Board of Trustees shall keep a correct record of all the bonds issued under the provisions of this Act, showing the number, date, and amount of each, and to whom issued, and shall appropriate and use the moneys derived from the sale of said bonds for the erection and furnishing of three school-houses within and for the public use of said school district; *provided*, that at least five (5) thousand dollars thereof shall be so appropriated and used for the erection and furnishing of a public school building to be erected within the Town of Lompoc, and the remainder thereof, viz: the sum of— thousand dollars, shall be equally divided, appropriated, and used in the erection and purchasing of two other public school-houses to be erected respectively at such particular places, within said school district, as said Board of Trustees may determine. Such school-houses shall be erected and furnished according to such plans and specifications, and in such manner (by contract or otherwise), as the said Board of Trustees may adopt.

SEC. 8. In case the said bonds shall be authorized to be issued, by the majority of the votes cast at such election, the said Board of Trustees shall annually ascertain the amount of money necessary to be raised during each year to pay the full amount of one year's interest upon the principal sum of all of said bonds so issued and outstanding; and in the year A. D. eighteen hundred and eighty-one, and each year thereafter, until all of said bonds are fully paid, an additional amount, sufficient to pay one-fifth of the principal sum of all of said bonds, and shall determine the rate per cent. of tax required therefor, each year, by first deducting fifteen

per cent. from the yearly assessment roll of said school district, for anticipated delinquencies, and then by dividing the sum so required, together with the estimated cost of assessing and collecting added thereto, by the remainder of said roll; and the rate so ascertained (using the full cent on each one hundred dollars in place of any fraction), shall be annually certified by the said Board of Trustees to the Board of Supervisors of said county, who shall annually, until the principal and interest on said bonds are fully paid, at the time of levying the State and county taxes, levy the same as a special tax upon all the taxable property within said school district. Should the Board of Supervisors in any year fail to levy such tax, then the Auditor of said county shall levy the same. The amount of such tax and the rate per cent. must be certified by the said County Auditor to the Collector of said school district, who must collect the same. Should any of such taxes remain unpaid and become delinquent, the same shall be collected in the same manner as is or may be provided by law for the collection of other delinquent school taxes. The moneys received in payment of such special tax shall be paid into the county treasury of said county, and shall be kept in a separate fund, to be known as the "Lompoc School District Fund," and shall be used exclusively in payment of the principal and interest of said bonds, and shall not be applied to any other purpose.

Redemption
of bonds,
proposals for.

SEC. 9. On the first of January in any year, when there shall be as much as five hundred dollars in the fund mentioned in the last preceding section, over and above the interest then due and which will become due on the first day of July next following, it shall be the duty of the said County Treasurer to advertise, in some public newspaper printed and published in said county, for four weeks, for proposals to redeem bonds by this Act authorized to be issued, stating in such notice the amount of money on hand for such purpose, and inviting the bids at such Treasurer's office on a given day, and specifying the hour. Such bidding shall be in public, and the award shall be made by the Treasurer so as to redeem the largest amount of bonds for such surplus, and the same shall be applied for the redemption of such bonds for which bids were accepted, and the same taken up and canceled; but no bid shall be received at a higher rate than the principal sum of any such bond and the interest then due thereon.

When no
bids.

SEC. 10. If no proposals shall be made, or no bids accepted by the Treasurer, as provided in the last preceding section, for any of the money so advertised, then the said money shall be used for the redemption of said bonds according to the number of their issue, and the Treasurer shall give notice by publication, for four weeks, in some newspaper published in said county, of the respective numbers of the bonds to be so redeemed. From the date of said notice, the bonds proposed to be redeemed shall cease to draw interest. Upon the presentation of such bonds to the Treasurer, the same shall be paid by him, with interest to the date of such notice.

SEC. 11. The Assessor and Collector hereinbefore provided to be elected by the voters of said school district, shall each hold his office until the first Monday in July, A. D. eighteen hundred and seventy-eight, and until his successor is elected and qualified. At the time of the election of School Trustees for said school district, in the year A. D. eighteen hundred and seventy-eight, and every two years thereafter, until all the bonds issued under the provisions of this Act, and the interest thereon, are fully redeemed and paid, the qualified electors of said school district shall elect an Assessor and Collector for said school district, whose term of office shall commence on the first Monday in July after their election, and shall each hold office for two years thereafter, and until his successor is elected and qualified; *provided*, that one and the same person may be elected to fill both offices, as the voters of said district may choose.

Terms of Assessor and Collector

SEC. 12. Sections eighteen hundred thirty-five, eighteen hundred thirty-six, eighteen hundred thirty-seven, eighteen hundred forty, eighteen hundred forty-one, eighteen hundred forty-two, eighteen hundred forty-three, eighteen hundred and forty-four of the Political Code of the State of California, are hereby made a part of this Act, and the provisions thereof, so far as applicable, except as otherwise specially provided in this Act, shall apply thereto.

Code made applicable.

SEC. 13. Neither the said Board of Trustees or any member thereof, or the said County Treasurer, or Auditor, shall charge or be entitled to receive any fee or endowment whatever for any services performed or to be performed by them, or either or any of them, under the provisions of this Act.

SEC. 14. This Act shall take effect immediately.

CHAP. CCCXXI.—*An Act concerning roads and highways in the County of Placer.*

[Approved March 23, 1876.]

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

SECTION 1. All public roads and trails in the County of Placer located and established in accordance with the existing road law at the time of the passage of this Act, and recorded in the "Record Book of Roads and Highways" of said county, and all public roads and trails which may be hereafter located in accordance with the provisions of this Act, are hereby declared public highways.

Highways defined.

SEC. 2. The Board of Supervisors of said county shall be ex officio Road Supervisors thereof; and they are hereby authorized and empowered to have, and they are hereby required to exercise, general supervision of the public highways therein.

Supervisors to have charge

SEC. 3. It shall be the duty of the Board of Supervisors, at their regular meeting in the month of November, one

Road districts.

Roadmas-
ters.

thousand eight hundred and seventy-six, to divide said county into as many road districts as they may deem suitable and convenient, and give to each of said districts a distinct designation, numerical or otherwise, and at any time thereafter to alter or change such districts, or form new districts, as in their judgment the public welfare may seem to require. For each road district the Supervisors must appoint a Roadmaster, each of whom shall hold office for the term of two years from the first Monday in January next after his appointment; but the Supervisors may remove any Roadmaster from office at any time for good cause shown. Twenty or more resident tax-payers of any road district may prefer charges against the Roadmaster thereof, said charges to be heard and investigated at a regular meeting of the Board of Supervisors, of which meeting and investigation the accused shall be duly notified; and if the charges are sustained, the Supervisors may, in their discretion, remove the accused Roadmaster, and appoint a successor for the remainder of the unexpired term. The appointment of Roadmasters for a full term shall be made at the regular meeting of the Board of Supervisors in November, one thousand eight hundred seventy-six, and every two years thereafter. Each Roadmaster must be a resident citizen and taxpayer of the road district for which he is appointed. The Clerk of the Board of Supervisors must forthwith issue to each person so appointed a certificate of such appointment; and each of them, within fifteen days thereafter, shall qualify by taking the oath of office, and filing with the Clerk of the Board a good and sufficient bond in the penal sum of one thousand dollars, to be approved by the County Judge, conditioned for the faithful performance of all duties as such Roadmaster prescribed by law or the orders of said Board of Supervisors. All vacancies in the office of Roadmaster shall be filled by the Board of Supervisors.

Road
records.

SEC. 4. The Board of Supervisors shall cause to be kept a book, to be designated as "Record Book of Roads and Highways," in which shall be recorded all proceedings had by them in regard to roads and highways in Placer County, and which said book shall be open to the inspection of any tax-payer of the county; and a copy of any proceedings so recorded in said record book, certified by the Clerk of the Board of Supervisors under seal, shall be taken in evidence in any Court; and any person shall be entitled to receive from the Clerk of said Board a certified copy of any order or proceeding contained therein, upon payment to said Clerk of the fees allowed by law to the County Recorder for certified copies of papers.

Duties of
Roadmas-
ters.

SEC. 5. It shall be the duty of each Roadmaster to have charge of the public highways in his district; to maintain and keep in repair all public roads, trails, and bridges in his district, and none other; *provided*, the expense of such maintenance and repairs shall in no year exceed the amount of money in the Road Fund of his district collected for said year. He shall cause suitable guide-boards to be erected at the junction of important roads and trails. He may, with

the consent and approval of the Board of Supervisors, make contracts for the building of bridges, purchase of materials and lumber, for any necessary work on the highways of his district, and shall perform such other service in the construction, repair and maintenance, and opening of new roads and trails, as may be required by any order or ordinance of the Board of Supervisors; but there shall not be expended in any road district, during any year, more money than is collected for said district during such year. Any Roadmaster or person in his employ shall have the right to make use of any ground, dirt, or timber, for improving the public highways, which may be necessary, from any adjacent unimproved lands; and if any damages be claimed, they shall be ascertained and awarded in the same manner as is provided in this Act for ascertaining and awarding damages for laying out new roads and trails.

SEC. 6. At each regular meeting of the Board of Supervisors, each Roadmaster shall present to the Board a sworn statement of the amount of materials obtained, the amount of contracts, and with whom they were made; the number of days' and parts of days' service by him actually and necessarily performed; the character and kind of work done; the portion of the roads repaired, and the nature of such repairs; the number of persons employed, and the length of time each has labored in making repairs; and shall, at the expiration of his term of office, account for and deliver to his successor in office all tools and implements of every kind and description belonging to his district, taking a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and for the services required of him under the provisions of this Act, each Roadmaster shall receive for his own services at the rate of three dollars per day; for himself, horse, and cart, at the rate of four and one-half dollars per day; and at the rate of two dollars per day for each extra person employed by him in pursuance of the provisions of this Act.

Roadmasters to report.

Salaries.

SEC. 7. The Board of Supervisors shall have power to alter or discontinue any public highways hereafter laid out, or to lay out any new highway or road, or to purchase any toll road, and dedicate the same to the public use, in the County of Placer, and may take and appropriate the lands and improvements of private persons for that purpose, upon making just compensation therefor, in the manner hereinafter provided.

Power to condemn land.

SEC. 8. Application for the laying out of a new public road or trail, or for the alteration of a public road or trail already established, shall be made by petition of at least ten residents, tax-payers of the district in which said road or proposed road is situated, in writing, to the Board of Supervisors, at a regular meeting of said Board, and shall designate plainly the beginning, general route, and termination of such proposed new road or alteration of a road; but no petition shall be considered, unless it be accompanied by an affidavit of one or more of the petitioners, stating that all the parties occupying, and all the parties owning land along

New roads, petitions for.

the line of the proposed road or trail, have been duly notified, by a written notice served on them personally or left at their place of residence, of the time and place when such petition will be presented to the Board of Supervisors, and further stating, that such notice had been served at least ten days before the meeting of said Board at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a public road or highway are unknown, it shall be sufficient that the affidavit state that the parties occupying the same have been duly notified.

Hearing of
petitions.

SEC. 9. At the meeting designated in the notice referred to, in the last preceding sections, the Board of Supervisors may proceed to hear all objections to the proposed road or trail, or alteration of roads or trails, or they may, in their discretion, defer action upon the petition to such time as they may appoint, after having heard and considered the objections to the proposed road or trail, or alterations. The Board of Supervisors shall, if they deem such proposed road, trail, or alterations necessary, issue an order of location, and appoint two disinterested persons to act as Viewers, and may, in their discretion, direct the County Surveyor to make an accurate survey thereof, under the direction of said Viewers, who shall report the proposed alterations or location of such roads or trails; a correct plat and description of which, together with a report in writing of the quantity, character, and quality of land taken by the proposed road or trail from the several owners or occupants on the route thereof, shall be returned to the Board within the time specified in the order of location.

Viewers.

Claims for
damages,
awards.

SEC. 10. Any person claiming damages for the opening of any new road or trail, or the alteration of any road or trail, under the provisions of this Act, must, within ten days after the filing of the report of the Viewers, as provided in the preceding section, file with the Board of Supervisors a statement, in writing, setting forth the amount and nature of the damages claimed. The Board of Supervisors, after hearing any competent witness or evidence that either the petitioners for the proposed road or trail, or the person or persons claiming damages may offer, shall thereupon assess and award such damages as to them may seem just and equitable, and shall, by an order entered in the record book of roads and highways, direct the Roadmaster of the district in which such proposed road or trail will be situated to tender to the party or parties to whom such damages have been awarded, the full amount so awarded; and it is hereby made the duty of the County Auditor to draw his warrant on the Road Fund of such road district for the amount of such damages. If all the parties claiming damages shall accept the amount as awarded by the Board of Supervisors, the Roadmasters shall certify the same to the Clerk of the Board, who shall enter the same in the record book of roads and highways, and it shall be the duty of the Roadmaster to lay out and open such road or trail, or alteration of a road or trail, in accordance with the report of said Viewers, as hereinafter provided. At any time within thirty days after the tender

of the award made by the Roadmaster, any person refusing to accept the same may commence an action against the county, in his or her name, before any Justice of the Peace of the township in which such proposed road or trail will be situated, for the assessing of such damages. Said Justice shall, upon the commencement of such action, set a day, not less than ten nor more than twenty days thereafter, for the hearing of such action, and shall summon a jury of twelve persons competent to act as jurors in the trial of a civil action. The Justice shall also, upon the commencement of such action, notify the Clerk of the Board of Supervisors and District Attorney of the commencement of such action, and the time set for hearing the same, which shall be sufficient notice to the county. Immediately upon the receipt of such notice, the Clerk of the Board of Supervisors shall make out a certified transcript of all the proceedings had before the Board of Supervisors in the case at issue, and forward the same to the Justice before whom the action is pending, which transcript shall be filed, and used as evidence in the case. The District Attorney, or any person appointed by him, or by any of the petitioners for the proposed road or trail, shall appear for the county. The proceedings shall be conducted, in manner and form, as the trial of civil action before a Justice of the Peace. On the part of the county, evidence may be introduced to show the benefits and advantages of said road or trail to the plaintiffs. The jury shall, by their verdict, assess and determine the damages to which the plaintiff is entitled, which verdict shall be conclusive and final; *provided*, no action shall be commenced before any Justice of the Peace against the county for damages under the provisions of this Act, until after the person claiming such damages shall have filed with the Justice a good and sufficient bond, in the penal sum of three hundred dollars, conditioned for the payment of all costs and expenses of suit, if the amount recovered does not exceed the amount of damages awarded by the Board of Supervisors; *and provided further*, that if such action is not commenced in thirty days from the tender of the damages awarded by the Board of Supervisors, the party or parties claiming such damages shall be deemed to have dedicated the land or improvements proposed to be taken and used for such road or trail, as a public highway.

Action
against
county.

Plaintiff's
bond.

SEC. 11. Upon satisfactory proof being shown that the full amount of damages assessed has been tendered to the parties to whom the same is due, the Board of Supervisors may declare the proposed road or trail, or alteration of a road or trail, to be a public highway, in accordance with the report of the Viewers, and order the same opened immediately, or at such time as they may direct. If, in the opinion of the Board of Supervisors, a deviation in the route proposed in the petition be expedient, they shall direct the Viewers to make such deviation, and such view or survey of such road or trail, as changed by order of said Board of Supervisors, shall be returned to them within a given time specified in

When
Supervisors
may declare
highway
opened.

said order of change, and the Board may, immediately upon the return of said view or survey, or at such time thereafter as they may deem proper, declare the route as viewed in accordance with the petition, or the route as changed under their direction, to be a public highway; *provided*, that when any proposed deviation from the route set forth in the petition shall place the road or trail upon lands owned or occupied by persons who have not been notified thereof, no action shall be taken by the said Board until at least ten days after the proper notification has been served upon such persons.

Private roads.

SEC. 12. Private roads may be established by the Board of Supervisors in the same manner as prescribed in this Act for the establishing of public highways; *provided*, a petition of one person will be sufficient; *and provided further*, that all damages assessed for the opening of such private roads shall be paid by the party petitioning for the same.

Width of roads and trails.

SEC. 13. All public roads established under the provisions of this Act shall be made to conform to section lines as near as possible, and shall be sixty feet in width, except in towns and villages, where they may be made to conform to the streets and alleys therein. All public trails shall be four feet in width, and the width of any private road shall not exceed forty feet.

Highway vacated

SEC. 14. The Board of Supervisors may vacate or discontinue any public highway when, in their opinion, the same shall have become useless or burdensome, by an order to that effect, duly entered in the record book of roads and highways.

Toll roads, purchase of.

SEC. 15. The Board of Supervisors shall have authority, whenever in their judgment the public interest so requires, to contract for and purchase any or all the toll roads in the County of Placer, and pay for the same in the manner hereinafter provided.

Road poll-tax.

SEC. 16. The Board of Supervisors shall levy annually, at the regular meeting of the Board in February, or at any meeting thereafter, a road poll-tax of two dollars for the current road year; *provided*, the same be paid between the first Monday in March and the first Monday in August of each year, but if not paid prior to the first Monday in August, it shall be three dollars on all persons in Placer County subject to pay a State poll-tax, and shall cause proper blank road poll-tax receipts to be prepared of a uniform appearance, which shall be numbered consecutively, and signed by the Chairman of the Board, who shall thereupon deliver the same to the County Auditor, who shall countersign the same, and indorse upon them the designation of the road district in which they are to be sold, and shall issue to the several District Assessors such number of said receipts as may be needed by them, taking their receipts therefor.

Assessor to collect poll-tax.

SEC. 17. It shall be the duty of the several District Assessors of the County of Placer to proceed to collect the said road poll-tax in their respective districts on the first Monday in March of each year, and shall continue to collect and enforce the collection of said taxes from all residents of said districts liable to pay such tax while any of said tax remains

unpaid. If any person liable to pay such tax shall neglect or refuse to pay the same on demand, the said Assessor shall proceed to collect the same in the same manner as is provided by law for the collection of State poll-taxes.

SEC. 18. Upon the payment of a road poll-tax the District Assessor shall deliver to the person paying such tax a receipt as furnished to him by the County Auditor and signed by the said Assessor. Any Assessor who shall give any receipt for such tax other than the one prescribed in this Act, or receive money without giving the necessary receipt, or who shall insert more than one name in the receipt, or shall furnish or give to any person a receipt which does not have the designation of the district in which such person resides indorsed thereon by the Auditor, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, one-half of such fine to be paid to the person procuring such conviction, and the other half into the County Road Fund.

Misdemeanor.

SEC. 19. The Assessors shall have the right to demand of any firm, corporation, or person having a resident of his district in their or his employ, a complete and correct list of the names of all such persons so employed by him or them. Any such firm, corporation, or person refusing or neglecting to give such list when demanded by the Assessor, shall be liable to a fine of not less than fifty nor more than two hundred dollars, to be recovered by action before a Justice of the Peace in the name of the people. All fines collected under the provisions of this section shall be paid into the county treasury and placed to the credit of the County Road Fund.

Liability of employers.

SEC. 20. On the first Monday of each month the Assessors shall deliver to the County Auditor a statement, in writing, under oath, of the number of road poll-taxes collected by them in each road district during the last preceding month. The County Auditor shall apportion the amount of road poll-taxes collected in each district to the several Road Funds of said districts, less ten per centum on all such poll-taxes sold, which amount is hereby allowed to the District Assessors as fees for collection, and shall furnish to the Assessors copies of such statement and apportionment. The Assessor shall thereupon present such statement to the County Treasurer, and pay him the amount of money as shown by such statement. The County Treasurer shall deliver to said Assessors duplicate receipts for the money thus paid, one of which receipts shall be filed with the County Auditor. On the first Monday in August the Assessors shall return to the Auditor all the two-dollar road poll-tax receipts by them received and not sold, and shall at the same time receive from the Auditor a sufficient number of three-dollar road poll-tax receipts to enable them to collect taxes from every person in their district subject to pay such poll-tax. On the first Monday of March in each year each Assessor shall return to the Auditor all road poll-tax receipts then remaining in his hands, and the Auditor shall then

Auditor to settle with Assessors.

and there make a final settlement with the Assessors for all road poll-tax receipts delivered to them.

County Road
Fund.

SEC. 21. The County Treasurer shall place to the credit of each road district all moneys received by him as apportioned by the Auditor, and shall pay out the same on the warrant of the Auditor, which warrants shall be based upon allowances made by the Board of Supervisors. It shall be the duty of the County Treasurer, on the first Monday in March of each year, to transfer all moneys remaining in any of the District Road Funds, after all outstanding demands against the same have been paid, into a fund to be called the County Road Fund.

Property
road tax.

SEC. 22. At the time of making the levy of State and county taxes of each year, the Board of Supervisors of Placer County may, if in their judgment it is advisable, levy a property tax in any one or more of said road districts, not to exceed twenty-five cents on each one hundred dollars' worth of taxable property in such district, for road purposes, which shall be levied, assessed, and collected as other taxes are levied, assessed, and collected, and when paid into the treasury shall be apportioned to the several Road Funds of the road districts in which such tax was collected respectively.

SEC. 23. Whenever the Board of Supervisors shall levy a property tax for road purposes in any one or more of the road districts, it shall be the duty of the District Assessors of the district or districts in which such road districts are situated, to designate on the assessment roll of his district the road district in which the property assessed thereon is situated, and it shall be the duty of the County Auditor to carry out the amount of tax so levied for road purposes in the several road districts, opposite the names of the owners or the description of such property.

Payment for
toll roads.

SEC. 24. Upon the purchase of any toll road the Board of Supervisors may direct a warrant to be drawn, payable out of the County Road Fund, for the price thereof, and said warrant shall be paid by the County Treasurer, but if there be not sufficient money in said County Road Fund to pay the full amount thereof, he shall pay whatever money there may be in said fund, indorsing the amount on said warrant and taking the receipt of the holder or owner thereof for the amount paid, and until the full amount of said warrant shall be paid all money coming into the said fund shall be set apart for its payment.

Obstruction
of highways.

SEC. 25. If any person shall obstruct any public highway in the County of Placer by felling any tree across the same, or by placing any obstruction thereon, or digging or cutting any ditches or making any excavations under or across any public highway, or obstruct the crossing of any ford, or shall willfully destroy any bridge or causeway, or cause to be removed any plank or timber therefrom, or cut down or injure any tree planted or growing as a shade-tree in any public highway, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty nor more than five

hundred dollars, in the discretion of the Court; which fine, when collected, shall be placed in the Road Fund of the district in which such misdemeanor was committed.

SEC. 26. In case of an action before a Justice of the Peace for the assessing of damages as provided in this Act, and said damages are assessed by the jury at a greater sum than that awarded by the Board of Supervisors, the costs of such action shall be certified to the Board of Supervisors by the Justice before whom the action was had, and the Board, at their first regular meeting thereafter, shall order a warrant drawn on the proper Road Fund for the amount of such costs. Costs of action.

SEC. 27. All Acts and parts of Acts conflicting with the provisions of this Act, so far as relates to the County of Placer, are hereby repealed. The general provisions of the Political Code in relation to roads and highways, so far as they do not conflict with the provisions of this Act, are hereby made applicable to roads and highways in the County of Placer.

SEC. 28. This Act shall take effect on and after the first Monday in November, A. D. one thousand eight hundred and seventy-six.

CHAP. CCCXXII.—*An Act to provide for the improvement of the public roads in the County of Inyo.*

[Approved March 23, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Inyo shall, at their first regular meeting after the passage of this Act, appoint a Road Overseer for the County of Inyo, who shall hold his office during their pleasure, not exceeding four years, and until they shall appoint his successor. Supervisors to appoint Road Overseer.

SEC. 2. Said Road Overseer shall be an elector of the County of Inyo, shall give an official bond in the sum of two thousand dollars, to be approved and filed as bonds of other county officers are, and shall file with the County Clerk the usual oath of office. Bond.

SEC. 3. For his services he shall receive the sum of five dollars per day for each day that he is actually employed in the business of his office. Salary.

SEC. 4. The said Road Overseer shall have the entire supervision of all the public roads within said Inyo County. Road districts and District Road Overseers in Inyo County are abolished. Powers of Overseer.

SEC. 5. The said Overseer of Roads, under the direction of the Board of Supervisors, and pursuant to the order of the Board of Supervisors, must: Duties of Overseer.

First—Take charge of the public highways within the county.

Second—Keep them clear from obstruction and in good repair.

Third—Cause banks to be graded and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

Fourth—Make quarterly reports to the Board of Supervisors of all labor performed upon said roads, and of all moneys expended.

Fifth—Receive and present petitions for new roads, recommend or disapprove of the same, and assist in laying them out.

Sixth—To render his bills quarterly for expenditures and services, verified by his oath, which bills shall be audited and allowed or disallowed, as in case of other bills, and shall be paid as herein provided.

Expenditures.

SEC. 6. The Road Overseer shall not expend, in any three months, over six hundred dollars in any one supervisor district, without previous authority from the Board of Supervisors.

Road poll-tax.

SEC. 7. Every male inhabitant of the County of Inyo, over twenty-one years and under fifty-five years of age, must annually pay a road poll-tax of two dollars, provided the same be paid between the first Monday in March and the first Monday in July, but if not paid prior to the first Monday in July, then it shall be three dollars.

SEC. 8. The several provisions of the Political Code for the collection of the State poll-taxes shall be equally applicable to and govern the collection of the road poll-tax.

Proceeds, how used.

SEC. 9. The proceeds of the road poll-tax shall be paid into the county treasury, and shall constitute a fund to be known as the Road Poll-tax Fund, and shall be paid out on warrants drawn on said fund by order of the Board of Supervisors. The provisions of law applicable to other county warrants shall apply to these.

SEC. 10. Warrants shall be drawn on this fund by order of the Board of Supervisors, for such bills as they may from time to time allow the Road Overseer for services and expenditures, but nothing herein shall prevent said Board from ordering the same paid out of the Road Fund, if they deem it expedient.

SEC. 11. No other highway taxes or labor shall be required of, or levied upon, or collected from any person in Inyo County, except the tax on property provided by law.

SEC. 12. All Acts and parts of Acts in conflict with this Act, so far as they so conflict, are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAP. CCCXXIII.—*An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.*

[Approved March 23, 1876.]

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

SECTION 1. Section fourteen of said Act is amended so as to read as follows: Section 14. Every male resident of Nevada County over twenty-one and under fifty years of age shall be required to pay to the Collector, or his deputy, the sum of three dollars, in gold or silver coin of the United States, as a county road tax for the year in which said road tax shall be due and shall be demanded, and shall be entitled to and it is hereby made his duty to demand from the Collector a printed road tax receipt, signed by the Auditor and countersigned by the said Collector, in return for and showing the amount so paid to such Collector; and any person, when so applied to, neglecting or refusing to pay such road tax, shall be considered as a delinquent, and the Collector may collect said tax from said delinquent by seizure and sale of any personal property owned by such person. The provisions of sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two, thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code apply to and shall govern such seizure and sale; *provided*, that any person who may elect to work three days upon the public roads at such time and place as the Road Commissioner may elect shall be entitled to a road tax receipt. The Tax Collector shall furnish the contractors with a list of persons in his district so choosing to work, and shall notify such persons to appear and work upon the public roads at such time and place as the contractor may direct, and if the contractor cannot employ such persons, they shall be allowed to work upon any road which the Road Commissioner of the district shall direct; and upon such person performing three days' labor to the satisfaction of the contractor, he shall give such person an order on the Collector, who shall thereupon issue a tax receipt, and at each regular meeting of the Board of Supervisors shall report the number of receipts issued on the order of the contractor, and the Board of Supervisors shall charge the amount of such receipts to the contractors, and the Collector shall be entitled to the same fee as for collecting other road taxes, payable out of the Road Fund; *provided*, no contractor shall be required to receive more than twenty-five per cent. of the amount of his contract in labor so expended; and *provided further*, that the provisions of this section, relating to the seizure and sale of the property of a delinquent, shall apply to all who elect to labor on the

County
road tax.

Delinquents.

Work on
roads.

Collector's
fees.

roads, but who neglect or refuse to appear and labor at the time and place required by the Road Commissioner.

Auditor to
settle with
Collector.

SEC. 2. Section seventeen of said Act is amended so as to read as follows: Section 17. The Auditor shall issue to the Collector annually, upon his entering upon the discharge of his duties, as many road tax receipts as he may require signed, taking his receipt for the same; and the road tax receipts so delivered shall be accounted as so much cash paid him at three dollars each. All moneys collected by the Collector for road tax shall be paid by him on the first Monday of each month into the county treasury for the benefit of the County Road Fund, less ten per cent., which he shall be allowed for the collection of said taxes, and he shall take a receipt therefor from the County Treasurer, whereupon immediately, and upon the day aforesaid, the Collector shall settle with the Auditor, and the road tax receipts returned by him to the Auditor shall be deducted from the amount issued to the Collector as aforesaid. The Collector, in said settlement with the Auditor, must present for filing with said officer his duplicate Treasurer's receipt, showing the moneys so paid into the county treasury, and the Auditor shall credit the Collector with the sums so paid, also making allowance for the fees to which he is entitled by law; and the Collector shall be liable on his official bond if he or his deputies fail to collect said road tax from each and every person liable to pay said tax, when such tax may and can be collected in the manner hereinbefore provided, for the full amount of said tax and costs of suit, and may be proceeded against in the manner and form provided in the Political Code for the collection of moneys due the county by a like delinquency of the County Tax Collector.

Liability of
Collector.

SEC. 3. The provisions of all Acts in conflict with this Act are hereby repealed.

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

CHAP. CCCXXIV.—*An Act to provide for opening streets in the Town of Alameda.*

[Approved March 23, 1876.]

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

Powers
delegated.

SECTION 1. The Town of Alameda shall have the power to open and widen streets and modify the boundaries thereof within its corporate limits, and to assess the expenses of such improvements upon the property benefited, as provided in this Act.

Trustees to
give notice
of intention

SEC. 2. The Trustees must pass a preliminary resolution declaring the intention of the corporation to make the improvement, describing it generally, and also describing the lands immediately benefited by the proposed improvements,

which are to be assessed on account of the expenses thereof, and fixing a time, not less than fifteen days thereafter, for hearing objections.

SEC. 3. The preliminary resolution must be published at Publication. least ten days prior to the time fixed for the hearing, in some newspaper printed within the corporate limits of the town, in every issue of said paper during the time, and posted in three public places within said limits, including the Town Hall door, ten days prior to the time fixed for the hearing.

SEC. 4. If the owners or possessors and claimants of two- Protests. thirds in value of the lands to be charged for the expenses of said improvement, as described in said resolution, the value to be determined according to the latest completed assessment roll of said town, protest against said improvement, the proceeding must be discontinued, and no other proceeding for substantially the same improvement can be commenced within six months thereafter; *provided, however,* that the Trustees may, by an unanimous vote of all the members, proceed to cause such improvement to be made, notwithstanding such protest.

SEC. 5. When the Trustees are authorized to proceed as provided in section four, and at the time mentioned in the preliminary resolution, and from time to time thereafter, at the option of the Trustees, they must proceed to consider and finally act upon the matter.

SEC. 6. If the Trustees determine to proceed with the improvement, they must pass a final resolution expressing such determination, describing the improvement, and also describing the lands to be charged with the expenses of said improvement, as in the preliminary resolution, and directing that an action be commenced in the District Court of Alameda County for the condemnation of the property necessary to be taken for said improvement. Action to condemn property.

SEC. 7. A complaint shall be filed in said Court, wherein the town must be the plaintiff, and the persons owning and claiming the lands to be taken for said improvements, and the lands to be assessed for the expenses thereof, the defendants, setting forth the final resolution of the Board of Trustees describing the proposed improvements, and the lands to be assessed for the expenses thereof, and the matters required by section twelve hundred and forty-four of the Code of Civil Procedure.

SEC. 8. The Clerk of the Court must issue a summons as Summons. provided by section twelve hundred and forty-five of the Code of Civil Procedure, and service of the same must be made as in civil actions; *provided, however,* that where the person on whom the service is to be made resides out of the State, or cannot, after due diligence, be found within said town, or is a foreign corporation having no managing or business agent, cashier, or secretary within the State, or there are unknown owners of any of the parcels of land sought to be taken, or declared by said Board of Trustees to be immediately benefited, as provided for in section two of this Act, and the fact appears by affidavit, to the satisfaction of the Court or the County Judge, such Court or Judge may make an order

that the service be made by the publication of the summons. The order must direct the publication to be made in a newspaper in said town, to be designated, for a period not less than thirty days, and the service of the summons shall be deemed complete at the expiration of the time prescribed by the order of publication.

Defense. SEC. 9. All persons in occupation of, or having or claiming an interest in any of the property described in the complaint, or in the damages for the taking thereof, though not named, may appear, plead, and defend each in respect to his own property or interest, or that claimed by him, in like manner as if named in the complaint.

Referees to take testimony. SEC. 10. The Court may, in its discretion, appoint three referees to take the testimony as to benefits and damages, and to report their findings to the Court. Any party may object to the appointment of any person as referee on one or more of the grounds specified in section six hundred and forty-one of the Code of Civil Procedure. The Court or referees must hear all legal testimony that may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

Court to determine.

First—The value of the property sought to be condemned, and all the improvements thereon pertaining to the realty, and of each and every separate estate therein; if it consists of different parcels, the value of each parcel and each estate, or interest therein, shall be separately assessed.

Second—If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.

Third—The benefit to the several parcels of land within the prescribed limits, not taken for the improvement.

Referees' report, assessment of damages

SEC. 11. The referees shall make their report within a time to be prescribed by the Court; *provided*, that if they cannot agree, they may make separate reports as to all or any of the parcels of land, and the Court may confirm the unanimous report or either of the separate reports, or may, upon the testimony given, find the facts itself. If the aggregate of benefits is less than the damages, the proceeding shall be discontinued; if equal to or greater than the damages, the Court must assess said lands for an amount sufficient to pay such damages. Each parcel must be assessed separately in proportion to the benefits received from said improvement. If the benefits to any parcel are less than the damages to it, they shall be deducted from the damages and the remainder shall be the amount of damages allowed to such parcels.

When excess of benefits

SEC. 12. When the Court has ascertained the excess of benefits over damages to each parcel so benefited, it must, by its judgment, direct a sale of each parcel, or so much thereof as may be necessary, and the application of the proceeds of the sale to the payment of said amount and the cost of Court and expenses of the same.

SEC. 13. Within thirty days after the entry of judgment, the persons liable must pay to the Clerk of the Court the several amounts thereof, in default of which the same shall be collected by sale of the respective parcels under execution. The provisions of the Code of Civil Procedure relating to the sale of land under execution shall apply to sales under this section. Default

SEC. 14. After the money is collected payment shall be made or tendered to the parties entitled thereto, if they can be found, and the Court must make a final order of condemnation, which must describe the property condemned, and the purpose of such condemnation. Condemnation, final order of.

SEC. 15. A copy of the order must be filed in the office of the Recorder of the county, and thereupon the property described therein shall vest in the plaintiff for the purposes therein specified. In case of conflict of title to any parcel the money to be paid shall be placed and remain in Court, to be awarded to the true owner by due process of law.

SEC. 16. Costs may be allowed or not, and if allowed, may be apportioned among the parties in the discretion of the Court, except as otherwise herein provided. The provisions of Part Second and Part Third of the Code of Civil Procedure are applicable and constitute the rules of practice, and the rules applicable to new trials and appeals, in this proceeding. Costs.

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

CHAP. CCCXXV.—*An Act to regulate contracts on behalf of the State, in relation to erections and buildings.*

[Approved March 23, 1876.]

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

SECTION 1. That in all cases where the Commissioners, Directors, Trustees, or other officer or officers, to whom is confided by law the duty of devising and superintending the erection, alteration, addition to, or improvement of any State institution, asylum, or other improvement, erected, or now being erected, or to be erected, by the State, such Commissioners, Directors, Trustees, or other officer or officers, before entering into any contract for the erection, alteration, addition to, or improvement of such institution, asylum, or other improvement, or for the supply of materials therefor, the aggregate cost of which erection, alteration, addition, or improvement, and materials therefor, exceed the sum of three thousand dollars, shall make, or procure to be made, a full, complete, and accurate plan or plans of such institution, asylum, or other improvement, or of any addition to, or alteration, or improvement thereof, in all its parts, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders Before contracting, plans to be furnished.

Working plans and bills of materials.

during the construction thereof, so drawn and represented as to be plain and easily understood; and, also, accurate bills, showing the exact amount of all the different kinds of materials necessary in the erection thereof, addition thereto, or in the alteration or improvement thereof, to accompany said plan or plans; and, also, full and complete specifications of the work to be done, showing the manner and style in which the same will be required to be done, giving such directions for the same as will enable any competent mechanic or other builder to carry them out, and afford the bidders all needful information to enable them to understand what will be required in the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement; and to make, or cause to be made, a full, accurate, and complete estimate of each item of expense, and the entire aggregate cost of such institution, asylum, or other improvement, or of any addition to, alteration, or improvement thereof, when completed.

Estimate made of special and aggregate cost.

Plans, etc., to be approved by Governor, Treasurer, and Secretary of State.

SEC. 2. That such plans, drawings, representations, bills of materials, and specifications of work, and estimates of the cost thereof, in detail and in the aggregate, as are required in the first section of this Act to be made, shall be, when made, submitted to the Governor, State Treasurer, and Secretary of State, for their approval, and if approved by them, a copy thereof shall be deposited and safely kept in the office of Controller of State.

Sealed proposals, notice of.

SEC. 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 two daily papers having the largest circulation and published each in the Cities of San Francisco and Sacramento, 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.

Bond that contractor will perform contract.

SEC. 4. That on the day named in said public notice, said Commissioners, Directors, Trustees, or officer or officers as aforesaid, shall proceed publicly open said sealed proposals, and shall award such contract or contracts for doing the work

and furnishing materials for the same, to the lowest bidder, giving responsible bonds; *provided, always*, that no proposals shall be considered unless accompanied with a bond of said proposer, equal to ten per cent. of his proposal, with sufficient sureties, conditioned, that if said proposal shall be accepted, the party proposing will duly enter into a proper contract, and faithfully perform his or their contract or contracts, in accordance with said proposal, and the plan or plans, specifications, and descriptions, which shall be and are hereby made a part of such contract or contracts; *and provided further*, that such contract or contracts shall not be binding on the State until they are submitted to the Attorney-General, and by him found to be in accordance with the provisions of this Act, and his certificate thereon to that effect made; *and provided further*, that if in the opinion of such Commissioners, Directors, Trustees, or other officer or officers, the acceptance of the lowest bid or bids shall not be for the best interests of the State, it may be lawful for them, with the written advice and consent of the Governor, State Treasurer, and Secretary of State, to accept such proposal or proposals opened, as in their opinion may be better for the interests of the State, or reject all proposals and advertise for others in the manner aforesaid. All contracts shall provide that such Commissioners, Directors, Trustees, or other officer or officers may, as hereinafter provided, and on the conditions stated, make any change in the work or materials.

Attorney-General to certify to contract.

Best contract may be accepted, or all rejected.

SEC. 5. That no change of the plan or plans, descriptions, bills of materials, or specifications, which shall either increase or decrease the cost of said institution, asylum, building, or improvement, exceeding the sum of one thousand dollars, shall be made or allowed, after they are once approved and filed with the Controller of State as herein required, until such proposed change shall have received the approval of the Governor, State Treasurer, and Secretary of State; and when so approved, the plan or plans of such change, with the description thereof, and the specifications of the work, and bills of material, shall be filed with the Controller of State in the same manner as required before such change was made; and no allowance whatever shall be made for work performed or materials furnished under such change of plan or plans, or descriptions, or specifications, or bills of materials, unless, before such labor is performed and materials furnished, a contract or contracts therefor is made in writing, which contract or contracts shall show distinctly the nature of such change, and shall be subject to all the conditions and provisions herein imposed upon the original contracts, and be subject also to the approval of the Attorney-General as hereinbefore provided; *provided*, that all changes in the contract exceeding five hundred dollars, shall be by contracts in writing, with full specifications and estimates, and shall become a part of the original contract, and shall be filed with the Controller of State, with the original contract; *and provided further*, that the amount of such change in the contract, plans, descriptions, bills of materials, or specifications, shall not, in the aggregate, increase the cost of

No change in plan to be made unless approved as original.

Changed plans to be filed.

Contract for change to be in writing

Change not to increase cost more than three per cent.

construction of said institution, asylum, building, or improvement, more than three per centum of the original contract price or cost.

Whole cost not to exceed amount authorized by law.

SEC. 6. That no contract or contracts shall be made for the labor or material herein provided for at a price in excess of the entire estimate thereof, in this Act required to be made, and the entire contract or contracts shall not, including estimates of expenses for architects and otherwise, exceed in the aggregate the amount authorized by law for such institution, asylum, building, or other improvement, or such addition to, or alteration or improvement thereof, under the penalties of section ten of this Act hereinafter provided.

Penalty for exceeding.

Directors, etc., to estimate labor and materials, and amount due.

SEC. 7. At the time or times named in the contract or contracts made and filed with the Controller of State, or which has been previously made and filed with him, in accordance with the provisions of this Act, for payment to the person or persons with whom such contract or contracts had been made, it shall be and is hereby made the duty of the Commissioners, Directors, Trustees, or other officer or officers, to whom is confided the duty of superintending the erection of such institution, asylum, building, or improvement, or adding to, altering, or improving the same, to make or cause to be made a full, accurate, and detailed estimate of the various kinds of labor performed and materials furnished under such contract or contracts, with the amount due for each kind of labor and materials, and the amount due in the aggregate, which estimate shall be based upon an actual measurement of the labor so performed and materials so furnished, which estimate shall, in all cases, give the amounts of the preceding estimate or estimates, and the amount of labor performed and materials furnished since the last estimate, which estimate or estimates so made, as in this Act required, shall be recorded in a book for that purpose to be provided and kept, or caused to be kept, by the said Commissioners, Directors, Trustees, or other officer or officers, and a certified copy thereof, addressed to the Controller of State by the said Commissioners, Directors, Trustees, or other officer or officers, or by such person as they may designate for that purpose, be delivered to the contractor or contractors entitled thereto; *provided*, that upon all estimates of materials furnished and delivered, and not actually having entered into and become a part of said institution, building, or other improvement, there shall not be paid, until the same shall be incorporated into and become a part of said institution, building, or other improvement, exceeding fifty per centum of such estimated value.

Based on measurement.

Estimate to be recorded.

Copy to be delivered to contractor.

Not more than fifty per cent. paid on material before used in building.

Controller to compare estimate with contract.

SEC. 8. It shall be the duty of the Controller of State, on the receipt of such estimate so certified and approved, to compare carefully the same with the contract or contracts under which labor was done or materials furnished, and if there had been any previous estimates, then with such estimates; and if, upon such comparison, he shall find such last-named estimate in all respects correct, he shall number the same, place it on file, and have a record thereof made, and give to the person or persons entitled thereto, taking his or their

receipt therefor, a warrant on the Treasurer of State for the amount shown by such estimate or estimates to be due, less the amount of ten per centum thereon, which shall be retained as an additional security for the faithful performance of his or their contract or contracts, and shall be forfeited to the State in the event of a failure of such contractor or contractors to conform in good faith to the terms and conditions of such contract or contracts; but when the labor to be performed and materials furnished, under such contract or contracts, is performed and furnished, and a final estimate thereof made, the Controller of State shall include in the warrant or warrants for the amount of such last estimate the percentage retained on former estimates.

To issue warrant on Treasurer for amount due, less ten per cent.

Failure of contract, ten per cent. to be forfeited

SEC. 9. The Treasurer of State shall pay the warrants issued by the Controller of State, under and by virtue of the provisions of this Act, placing the same on file, and keeping a register of the names of the person or persons to whom such warrants are paid.

SEC. 10. Any Commissioner, Director, Trustee, or other officer or person otherwise appointed, whose duty it is to superintend, in whole or in part, the erection of such institution, asylum, building, or improvement, or of adding to, altering, or the improvement thereof, or the making of the plans, descriptions, and specifications of the labor to be performed and materials to be furnished, as provided in this Act, and the estimates of the cost thereof, or the estimates of the amount of labor done and materials furnished from time to time, under and in accordance with the terms and conditions of the contracts in this Act authorized to be made, and the provisions of this Act, who shall, in the performance of the duty herein imposed upon him or upon them, knowingly make incomplete or fraudulent plans, drawings, bills of materials, specifications of work, or estimates of the cost thereof, or permit the work in any other manner than is prescribed in such plans, descriptions, and specifications, or with materials inferior to that required by such bills of materials, to the injury of the State; or shall knowingly make false estimates of the labor done or materials furnished, either in the quantity or price thereof, to the injury of the State; or any contractor, or any agent of any contractor or contractors, who shall knowingly permit materials to be used or work to be done inferior to, or in violation of, the contract of such contractor or contractors, to the injury of the State, shall be deemed and held guilty of a felony, and, upon conviction thereof, shall be confined in the State Prison for not less than one year nor more than five years, and be liable to the State for double the amount the State may have lost, or be liable to lose, by reason thereof.

Officer making fraudulent plans or estimates.

Inferior materials, not to be used.

Felony.

SEC. 11. It shall be the duty of the Attorney-General to have charge of and direct all the proceedings necessary to enforce the contracts authorized by this Act and the provisions of this Act, against such person or persons as become liable to the penalties herein prescribed.

Attorney-General to enforce contracts.

Officers to require diligence in contractor

SEC. 12. Whenever, in the opinion of the Commissioners, Directors, Trustees, or other officers charged with the duty of devising and superintending the erection, alteration, addition to, or improvement of any State institution, asylum, building, or other improvement under this Act, or any law of this State, the work under any contract made in pursuance of this Act, or any such law, is neglected by the contractor or contractors, or that the same is not prosecuted with the diligence and force specified, meant, or intended in and by the terms of the contract, it shall be lawful for such Commissioners, Directors, Trustees, or other officers, to make a requisition upon such contractor or contractors for such additional specific force, or for such additional specific materials, to be brought into the work under such contract, or to remove improper materials from the grounds, as in the judgment of such Commissioners, Directors, Trustees, or other officers, said contract and its due and faithful fulfillment require; of which action of said Board or other officers, due notice in writing, of not less than five days, shall be served upon such contractor, or his or their agent having charge of the work. And if such contractor or contractors fail to comply with such requisition within fifteen days, it shall be lawful for said Commissioners, Directors, Trustees, or other officers, with the consent, in writing, of the Governor, Treasurer of State, and Secretary of State, to employ upon such work the additional force, or supply the materials so specifically required as aforesaid, or such part of either, as they may deem proper, and to remove improper materials from the grounds; and it shall be the duty of such Commissioners, Directors, Trustees, or other officers, to make separate estimates of all such additional force or materials so employed or supplied as aforesaid, and which, being certified to by said Commissioners, Directors, Trustees, or other officers, shall be paid by the Controller of State the same as if made out agreeably to section seven of this Act, and the amount so paid shall be charged against said contractor or contractors, and deducted from his or their next, or any subsequent estimate; or the same, or any part thereof, not paid as aforesaid, may be recovered by action from such contractor or contractors, and their sureties.

Notice to be served on contractor

If contractors fail to comply with notice, officers to prosecute the work.

Cost accruing by such failure to be paid by contractor.

Time to be fixed for completion of contract.

Penalty for non-compliance with contract.

Applicable to former contracts.

SEC. 13. In all contracts made under the provisions of this Act, there shall be a provision in regard to the time when the whole, or any specified portion, of the work contemplated in said contract shall be completed, and also providing that for each and every day the same shall be delayed beyond such time or times so named, the said contractor or contractors shall forfeit and pay to the State a sum of money, to be fixed and determined in said contract, to be deducted from any payment or payments due, or to become due, to said contractor or contractors.

SEC. 14. All contracts now made, and not performed, for the erection, alteration, addition to, or improvement of, any State institution, asylum, building, or other improvement, shall, as far as practicable, be performed, completed, and enforced and settled for under this Act, or may, by the consent

of the contracting parties, be made to conform to, and proceed under, the provisions of this Act.

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

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

CHAP. CCCXXVI.—*An Act to authorize the widening of Dupont Street, in the City of San Francisco.*

[Approved March 23, 1876.]

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

SECTION 1. The width of the street known as Dupont Street, in the City and County of San Francisco, shall, subject to the provisions of this Act, be increased, so that the said street shall be of the uniform width of seventy-four (74) feet, measuring westerly from the present easterly line thereof, from the northerly line of Market Street to the southerly line of Filbert Street, and the grades of such of the cross-streets as intersect said street shall be adjusted by the Board of Supervisors so as to make them conform to the grade of the west line of Dupont, as said line is hereby established; and the grade of said west line shall be established by said Board of Supervisors, which is empowered to pass all necessary orders for this purpose; *provided*, that nothing in this Act contained shall be construed to authorize any change of the grade of the east line of Dupont Street, or of any part of Stockton Street.

Width of street

Supervisors to establish grade.

SEC. 2. The value of the land taken for the widening of Dupont Street, and the damages to improvements thereon, or adjacent thereto, injured thereby, and all expenses whatsoever incident to the widening of said street, shall be held to be the cost of widening said street, and shall be assessed upon the district hereinafter described as benefited by said widening, in the manner hereinafter provided.

Assessment of costs.

SEC. 3. The district benefited by said improvement, and upon which the cost of making the same shall be assessed, is hereby described and designated as follows:

District to be improved.

First—Beginning at a point on the south line of Filbert Street, equidistant between Dupont and Kearny Streets, and running thence southerly, parallel with the said easterly line of Dupont Street, to the northerly line of Market Street; thence westerly, on the northerly line of Market Street, to Dupont Street; thence northerly, on the easterly line of Dupont Street, to the southerly line of Filbert Street, and thence easterly, on the southerly line of Filbert Street, to the point of beginning, excepting such portions thereof as are dedicated and used for the purpose of streets, alleys, or public squares.

Second—Beginning on the southerly line of Filbert Street, at a point equidistant between Stockton Street and the westerly line of Dupont Street, as it will be established when said street is widened, running thence southerly, parallel with said westerly line of Dupont Street, as herein established, to the northerly line of Market Street; thence easterly, on said line of Market Street, to the said westerly line of Dupont Street; thence northerly, on said westerly line of Dupont Street, to Filbert Street, and thence westerly, on Filbert Street, to the point of beginning, except such portions as are dedicated and used for the purpose of streets, alleys, or public squares; *provided, however*, that in case the said street be not widened further north than Bush Street, then the districts aforesaid to be benefited shall be bounded on the north by the southerly line of Bush Street, and on the south by the northerly line of Market Street.

Board of Commissioners to consist of Mayor, Auditor, and Surveyor.

Compensation.

SEC. 4. The Mayor of the City and County of San Francisco, the Auditor of said city and county, and the City and County Surveyor, and their successors in office, are hereby constituted a Board of Dupont Street Commissioners, and, as such, shall possess all the powers and perform all the duties prescribed in this Act. They shall each receive a compensation of two thousand dollars for their services. The said Board may also allow and pay such sums as may be necessary and reasonable for clerks, draughtsmen, surveyor, attorneys, and other incidental expenses. The Mayor shall be ex officio President of said Board. The said Board shall adopt and procure an official seal, which may be used to verify their official acts. The said Board may issue certificates of indebtedness, under their official seal and the signature of the President, for preliminary and incidental expenses.

Secretary.

Office.

SEC. 5. Said Board shall employ a Secretary, and such attorneys, clerks, draughtsmen, searchers of records, and other assistants as they may deem necessary and proper, and shall allow them a reasonable compensation. They shall rent and furnish a suitable office for the transaction of its business, if one cannot be furnished in the City Hall; *provided*, that the rent of said office shall not exceed fifty dollars per month, and the cost of furnishing the same shall not exceed two hundred dollars; *and provided further*, that no allowance for rent or services shall be made for a longer period than one year.

Notice to property owners

SEC. 6. As soon as convenient after the passage of the resolution referred to in the twenty-first section of this Act, said Commissioners shall publish a notice for not less than ten days, in two of the daily papers printed in the City of San Francisco, informing property owners along the line of said street that the Board is organized, and inviting all persons interested in property sought to be taken, or which would be injured by said widening, to present to the Board maps and plans of their respective lots, and a written statement of the nature of their claim or interest in such lots. Said Commissioners may also procure abstracts of the title of any of the lots of land taken for said widening, or liable to be assessed therefor.

SEC. 7. The said Board of Commissioners, having prepared and adopted suitable maps, plans, and diagrams, shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land and buildings included in the land taken for the widening of said Dupont Street, and the damage done to the property along the line of said street. In making said report, said Board shall severally specify and describe each lot and subdivision or piece of property taken or injured by the widening of said street, as far as the owners of the same have furnished an accurate description thereof, and shall set down against each lot, subdivision, or piece of property, the names of the owners, occupants, and claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, and the particulars of their interest, as far as they can be ascertained, and the amount of value or damage determined upon for the same respectively. If, in any case, said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain and set down in a written report a description of the several subdivisions or lots of land included in the districts designated in section three of this Act, and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment of the Board, the said lot has been or will be benefited by reason of the widening of said street, relatively to the benefits accruing to other lots of land within said designated districts. Said Board shall also set against each lot or subdivision as aforesaid, the names of the owners, lessees, and claimants thereof, so far as the same can be ascertained conveniently by said Board, and if not ascertained, shall set them down to unknown owners. Error, however, in the designation of the owner or owners of any lot taken or assessed shall not affect the validity of the assessment. The said Board shall also attach to said report suitable maps, plans, or diagrams, showing the property taken and assessed for said improvement, in lots and subdivisions, with the name of the owners, lessees, and claimants, as far as known to said Board. Such report, as soon as the same is completed, shall be left at the office of said Board daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested, and notice that the same is so open for inspection for such time and such place shall be published by said Board daily, for twenty days, in two daily newspapers printed and published in said city and county.

Commissioners to determine and report value of property, etc

When conflicting claims

Lots, when benefited

Report

SEC. 8. Any person interested in any piece or parcel of land situated within the district defined and described in section three of this Act, or in any of the lands taken for said street, or in any improvements damaged by the opening of said street, feeling himself aggrieved by the action or determination of the said Board, as shown in said report, may, at any time within the thirty days mentioned in section seven

Action of Board, when objected to.

Petition of
aggrieved
party.

Board to file
answer.

When no
petition.

Court may
approve
alterations.

Commis-
sioners to
issue bonds.

of this Act, apply by petition to the County Court of the City and County of San Francisco, setting forth his interest in the proceedings had before said Board, and his objections thereto, for an order on said Board requiring it to file with said Court the report of said Board, and such other documents or data as may be pertinent thereto, in the custody of said Board and used by it in preparing said report. Said Court is hereby authorized and empowered to hear said petition, and shall set the same down for a hearing within ten days from the date of the filing thereof; and the party filing said petition shall, on the day he files the same, serve a copy thereof on at least one of the members of the Board of Commissioners; and said Board may appear by counsel, or otherwise, before said Court, in response to said petition. Said Board may file a written answer to said petition with said Court. Testimony may be taken by said Court upon said hearing, and the process of the Court may be used to compel the attendance of witnesses, and the production of books, or papers, or maps in the custody of said Board, or otherwise. It shall be in the discretion of said Court, after hearing and considering said application, to allow said order or deny the same: and if granted, a copy thereof shall be served on said Board, and it shall proceed to obey the same according to the terms of the order to be prescribed by the Court. But in case no such petition shall be filed with said County Court within the time above limited for the filing thereof, the said report shall be presented by the said Board to the said County Court, with a petition to the Court, that the same be approved and confirmed by the Court. The Court shall have power to approve and confirm said report, or refer the same back to said Board, with directions to alter or modify the same in the particulars specified by the Court in the order referring the same back, and thereupon the said Board shall proceed to make the alterations and modifications specified in the order of said Court. The alterations and modifications aforesaid being made, the report shall be again submitted to the said Court, and if the Court, upon examination, shall find that the alterations and modifications have been made according to the directions contained in said order, the said Court shall approve and confirm the same by an order to be entered on its minutes; but if the said Board shall have neglected or failed to make the alterations and modifications set forth in the order of reference, the Court may again refer the report back to said Board, and so on until its original order of alteration and modification shall have been complied with by said Board, and the said Court shall then approve and confirm said report.

SEC. 9. All the damages, costs, and expenses arising from, or incidental to, the widening of said street, being fixed and determined by the final confirmation of the report, as in this Act provided, said Board shall cause to be prepared and issue bonds of the City and County of San Francisco, in such form as they may prescribe, in sums of not less than one thousand dollars each, for such an amount as shall be necessary to pay and discharge all said damages, costs, and

expenses, as aforesaid. Said bonds shall be known and designated as the "Dupont Street Bonds;" shall be payable in twenty years from their date, unless sooner redeemed, as in this Act provided, and shall bear interest at seven per cent. per annum, payable semi-annually at the office of the Treasurer of said city and county. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond. Such coupons, consecutively numbered, shall be signed by the President of said Board, and the bonds shall be signed by all the members thereof, and the seal of the said city and county shall be affixed to each bond. The lithograph signature of the President may be affixed to the coupons.

Coupons.

SEC. 10. Any person or persons to whom damages shall be awarded, according to the provisions of this Act, upon tendering to the said Board a satisfactory deed of conveyance to said city and county of the land for which said damages were so awarded, shall be entitled to have, and there shall be issued and delivered to him, bonds in an amount equal to the sum of the damages as awarded for the lands conveyed as aforesaid, together with the damages for the improvements thereon or affected thereby; and the bonds so issued and delivered shall be accepted, and shall be in full compensation of and for all damages for lands and improvements taken and improvements injured, as contemplated in this Act.

Bonds to be given in payment for lands and damages.

SEC. 11. In case any person or persons entitled thereto shall, for the period of ten days after the final confirmation of said report, as herein provided, fail or neglect to accept bonds in compensation for damages allowed for lands taken, or improvements destroyed or injured, as provided in the last preceding section, the Mayor, Auditor, and Treasurer of said city and county shall advertise for the period of sixty days for sealed proposals for bonds, by notice published daily, Sundays and legal holidays excepted, in three daily newspapers published in the City and County of San Francisco. Said notice shall embody a succinct description of the bonds, and specify the rate of interest, when and where the same will be paid, and describe the manner in which bids therefor must be made. All bids shall be accompanied by a bond on the part of the bidder, with one or more sureties satisfactory to said Mayor, Auditor, and Treasurer, conditioned that if an award is made by the Board, the terms of the bid will be complied with by the bidder. Proposals unaccompanied by a bond, as aforesaid, shall not be considered. Said Mayor, Auditor, and Treasurer may prescribe the form of the bid and of the bonds, and shall furnish the same to such persons as desire to make proposals for bonds. The said proposals shall be opened in the presence of the Mayor, Auditor, and Treasurer of said city and county, at the expiration of sixty days from the first publication of the notice aforesaid, and the bonds shall be awarded to the highest bidder therefor, whose proposals conform to the requirements hereof; *provided*, that none of said bonds shall be awarded at a less price than ninety-five cents on the dollar;

When owners fail to accept bonds.

Commissioners to advertise for bids for sale of bonds.

Opening of proposals.

and further provided, that the Board may reject any or all proposals, and readvertise. Any person to whom damages have been awarded by said Board of Commissioners, may bid for bonds to the extent of the sum awarded to him, or for any lesser sum, specifying in his proposal that he will accept bonds at the price stated in his bid, in compensation for the damages so awarded in his favor; and such bids being equally as advantageous as the best cash bids, shall be accepted in preference to cash bids. If the party shall not bid for such an amount of bonds as shall equal the amount of damages awarded, the Board shall deliver to him a warrant upon the "Dupont Street Fund," as hereinafter provided; and upon receiving the bonds and warrants as aforesaid, and the warrants being paid, the party shall file with the said Board an acquittance in full for all damages so awarded to him as aforesaid. Bidders of the class mentioned in this section shall be entitled to receive the bonds awarded to them as aforesaid, upon delivering to the said Board possession of the property in respect to which the award was made, and such conveyance thereof as shall be approved by the said Board. The said Mayor, Auditor, and Treasurer are authorized and empowered to sell and dispose of bonds sufficient to realize money enough to meet and discharge all the expenses and damages arising from the widening of said street, as in this Act provided, and as established by the report as finally confirmed. The money arising from the sale of said bonds shall be paid to the Treasurer of said city and county, who shall receive and safely keep the same as moneys belonging to said city and county are kept; and said fund shall be known and designated as the "Dupont Street Fund." As soon as said bonds shall have been converted into money, as in this Act provided, the Board of Commissioners shall give public notice in two daily newspapers, published in said city and county, for at least ten days, that they are prepared to pay in full all damages and liabilities fixed by the final report of said Board (and not already discharged); and upon receiving from the parties entitled thereto the proper deeds or proper acquittances from those entitled to compensation, the said Board shall give to such party an order upon the treasury for the amount shown to be due, according to said finally approved report, and the Treasurer shall pay said order out of said "Dupont Street Fund."

Awards for damages to be preferred bids for bonds.

Proceeds of sales.

Protests against widening.

SEC. 12. At any time within thirty days after the last publication of the notice specified in section six of this Act, a majority in value, according to the assessment roll for the present fiscal year, of the property owners fronting on Dupont Street, between Market and Bush Streets, may protest in writing against the widening of Dupont Street, between said streets; and if such written protest, signed by such majority, is filed with said Board of Commissioners within said period, all the lots of land and property between Market and Bush Streets shall be entirely exempt and excluded from the operation and from all the provisions of this Act, and shall not be affected by the same in any respect whatever; and such written protest shall have the effect to exclude and

exempt the property between Market and Bush Streets from the operation and effect of this Act; and at any time within thirty days after the last publication of the notice specified in section six of this Act, a majority in value, according to the assessment roll for the present fiscal year, of the property owners fronting on Dupont Street, between Bush Street and Filbert Street, may petition in writing [against] the widening of Dupont Street, between said streets; and if such written petition, signed by such majority, is not filed with said Board of Commissioners within said period, all the lots of land and property between Bush Street and Filbert Street shall be entirely exempt and excluded from the operation and from all the provisions of this Act, and shall not be affected by the same in any respect whatever; and the failure to file such petition with said Board within said period shall have the effect to exclude and exempt the property between Bush Street and Filbert Street from the operation and effect of this Act; and for the purposes of the protests and petition mentioned in this section, the signature of the duly authorized agent, or the trustee or guardian of the owner, or the executor or administrator of the estate of such owner, shall have the force and effect of the signature of the owner, but the word "owner" shall not be construed to include lessees.

SEC. 13. There shall be levied, assessed, and collected annually, at the time and in the same manner as other taxes are levied, assessed, and collected in said city and county, a tax upon the lands described in section three of this Act, sufficient to pay the interest on said bonds as the same matures; said tax to be collected out of the said land only. The assessment therefor, however, shall be adjusted and distributed according to the enhanced values of the respective parcels of land, as fixed in the said final report by the said Board. When collected, the said moneys shall be paid over to the Treasurer of the said city and county, and constitute a part of the "Dupont Street Fund," and to be paid out by said Treasurer only in payment of the coupons attached to said bonds, as the same from time to time become due. There shall be levied, assessed, and collected annually, at the time, and in the manner, and upon the same lands, and in accordance with the same rule of assessment upon enhanced values as provided in this section, a tax upon each one hundred dollars' valuation, sufficient to raise one-twentieth of the principal of said bonds, which shall constitute a sinking fund for the redemption of said bonds. Said moneys, when collected, shall be paid over to the Treasurer of said city and county, and shall constitute a part of the "Dupont Street Fund," and shall only be paid out in redeeming the bonds issued in pursuance of the provisions of this Act. Whenever the said Treasurer shall have in his custody ten thousand dollars or more, belonging to the said "Dupont Street Fund," as a sinking fund, it is hereby made his duty, and he shall advertise daily for the surrender of said bonds, for the space of ten days, Sundays and legal holidays excepted, in three daily newspapers published in the City and County of San Francisco, for sealed proposals, to be opened after the expira-

Interest Fund.

Sinking Fund provided for.

Notice of redemption.

tion of ten days, by said Treasurer, in the presence of the Mayor and the bidders, if they or any of them shall elect to be present, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money in the custody of the said Treasurer for the purpose of redemption, and he shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greater amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided, however*, that if a sufficient amount of bonds shall not be offered as aforesaid to exhaust the sinking fund to a less amount than three thousand dollars, then it is hereby made the duty of the said Treasurer to advertise in two daily newspapers, one of which shall be published in the City and County of San Francisco, and the other of which shall be published at the City of Sacramento, for the period of sixty days, Sundays and legal holidays excepted, which advertisement shall state the amount in the sinking fund, and the number of bonds, numbering them in the order of their issuance, which such fund is set apart to pay and discharge; and if said bonds, so numbered in such advertisement, shall not be presented for payment and cancellation within thirty days after the expiration of the publication of said advertisement, then said fund shall remain in the treasury to discharge such bonds whenever presented; but they shall draw no interest after publication of said last-mentioned notice shall have expired. All bonds and coupons redeemed as aforesaid shall be canceled by the Treasurer in the presence of the Mayor and Auditor. The Treasurer shall keep a full and accurate account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and all books and papers pertaining to matters provided for in this Act shall at all times, during office hours, be open to public inspection. Taxes levied to pay the interest on said bonds may be paid by the surrender to the Tax Collector of said city and county of such coupons as shall mature within the then current fiscal year, and the said Tax Collector shall turn the same over to the Treasurer, who shall receive the same as cash.

Record of proceedings.

Coupons may discharge taxes.

Block books must show.

SEC. 14. The said Board of Commissioners shall cause block books to be prepared, exhibiting the district declared herein to be benefited by the opening of said street, according to the blocks or fractional parts of blocks thereof, and the subdivisions, according to which the benefits were fixed and determined; also, in convenient book form, descriptions of the several subdivisions shown on said block books, and shall set opposite to each description of such several subdivisions the amount of benefits or enhanced value to said subdivision as established by said confirmed report, by reason of the opening of said street. Said block books and description note books shall be certified by the said Board, and then delivered by the said Board to the Assessor of the City and County of San Francisco, in whose office they shall be kept as a part of the records of his office until all the bonds issued in pursuance of this Act shall have been redeemed. Taxes levied to pay the interest and principal of the bonds issued

in pursuance of the provisions of this Act shall be apportioned on the lands described in section three of this Act, in strict accordance with the enhanced values of the respective parcels thereof, as established by said confirmed report; *provided, however,* that if there shall be subdivisions made of particular parcels of land differing from those set forth in the certified copy filed in said Assessor's office, the said Assessor shall have the power, and it is hereby made his duty, to equitably apportion the sum of the benefits upon and according to the new subdivisions of the said particular parcel aforesaid.

SEC. 15. In all cases when the owner or owners of any subdivision of land taken for the widening of said street, or of any improvements destroyed or injured, is or are unknown, or is or are known to be laboring under any legal disability, and in cases where there are liens or incumbrances, or leases or conflicting claims, or disputes or doubts about the title of any lot or subdivision of land, which cannot be adjusted between the parties in interest, in all such cases it shall be the duty of the Board of Commissioners to draw a warrant on the Treasurer of said city and county, payable out of said "Dupont Street Fund," for the amount awarded in each case as the value of the respective lots of land taken for said street, or for damages awarded on account of improvements destroyed or injured by reason of the widening thereof, as fixed in said report, and to deposit said warrant with the County Clerk of said city and county; and thereupon, and on proof of the same, the said Board shall be entitled to be put in possession of such lots of land as shall be taken for said street, in the same manner as provided in section sixteen of this Act; and the title to said lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deed executed by the true owners thereof. Said Board shall also notify the said Treasurer of the drawing of said warrant, and furnish him with a description of the lot referred to by said warrant; and the parties in interest in said lot may proceed against the Treasurer by bill in equity for an adjudication to settle the conflicting claims to the same, or to provide for its just and proper distribution, in which suit all parties in interest or dispute shall be made parties, if known. On entry of a final decree of Court in such action the said County Clerk shall deliver the warrant to the party or parties entitled thereto, according to the order of the Court. The only requisition upon the Treasurer shall be to answer whether he has the money in the "Dupont Street Fund" to pay the warrant when presented.

When conflicting claims, title shall vest.

SEC. 16. In case any person to whom, or in whose favor, damages shall have been awarded by said Board, shall fail or neglect, for the period of twenty days after there shall be funds to the credit of the "Dupont Street Fund" sufficient to pay such damages, to ask for and receive from said Board a warrant for the sum so awarded, the said Board may draw a warrant upon said Treasurer in favor of said owner or owners, and deposit the same with the Clerk of said city and county, accompanied by a certificate of said Treasurer that

Failure to accept payment.

the warrant so drawn and deposited has been registered by him, and that there are funds in his hands to pay the same; and thereupon said Board, on demand, shall be entitled to an order of the County Court, authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said street; and thereupon an execution may issue to the Sheriff of said city and county, commanding him to put the said Board in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of the Board therefor.

Court may
deed property
to city.

Removal of
buildings,
etc.

SEC. 17. Should the owners of any land taken for said street fail or neglect, within the space of thirty days after the money is in the treasury to pay the same, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board, on tender from said Board to them respectively of the sums awarded to them respectively by said Board as the value of such lands, buildings, or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction to the highest bidders, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash or in such warrants of said Board; and if at such auction there shall be no responsible bidder for such improvements, with the obligation to remove them within the time specified in the terms of sale, said Board shall cause the same to be removed at the cost of said "Dupont Street Fund."

City to
grade, sewer,
etc.

SEC. 18. The said street, when widened, shall, without delay, be sewered, graded, sidewalked, and paved by the municipal authorities, in accordance with the provisions of law now or hereafter applicable thereto, and the expense of such work shall be assessed upon the adjacent property, or be borne by the city and county, in the same manner as if the said street remained of its original width.

Railroad
track

SEC. 19. The railway track in said street shall be removed and changed to the centre of the same by the street railroad companies now using tracks therein.

SEC. 20. The word persons, when used in this Act, shall be held and construed to include corporations. All bonds and warrants shall be payable, and all taxes shall be collected, in United States gold coin.

Supervisors
may order
street
widened

SEC. 21. The Board of Supervisors of the City and County of San Francisco are hereby authorized, if, in the judgment of said Board, it should be expedient that Dupont Street be widened in accordance with and in the mode prescribed by this Act, to express such judgment by resolution or order in such form as they may deem advisable, within sixty days after the passage of this Act, and in the event that said Board of Supervisors, within said period of sixty days after the passage of this Act, should fail to pass an order or adopt a resolution declaring it expedient to widen Dupont Street

under the provisions of this Act, no further proceeding shall be had or taken under this Act for any purpose whatever, and said street shall remain of its present width; but if said Board pass such resolution, then all proceedings thereafter shall be taken under the provisions of this Act.

SEC. 22. The completion of the work described in this Act shall be deemed an absolute acceptance by the owners of all lands affected by this Act, and by their successors in interest, of the lien created by this Act, upon the several lots so affected, and it shall operate as an absolute waiver of all claim in the future upon the City and County of San Francisco for any part of the debt created by the bonds authorized to be issued by this Act, and their successors in interest. This shall be regarded as a contract between said owners and the holders of said bonds and said city and county, and this provision shall be stated on the face of the bonds.

Completion of work to be deemed acceptance.

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

CHAP. CCCXXVII.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof.*

[Approved March 24, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and fully empowered to appropriate, allow, and order paid out of the General Fund of said city and county, a sum not exceeding twenty thousand dollars (\$20,000), to be expended under their supervision, for the purpose of aiding in the work of grading and macadamizing Mission Street, or the county road, from Twenty-sixth Street to Silver Avenue, and especially constructing all necessary bridges and culverts thereon as may be found necessary for the proper execution and safety of the work; *provided*, that no part of the sum hereby authorized to be appropriated shall be so appropriated or paid out until the completion of the said work, and that after the work shall have been completed the City and County of San Francisco shall not be held responsible for keeping the road in repair, and that all expenses of said repairs shall be borne by the property holders on the line of said improvement.

Supervisors to appropriate money for grading.

SEC. 2. The Auditor of said city and county is hereby authorized and required to audit and allow, and the Treasurer thereof to pay, all such sums of money as may be authorized by said Board of Supervisors for and on behalf of the above-named work, not exceeding the sum of twenty thousand dollars.

Amount of expenses to be incurred.

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

CHAP. CCCXXVIII.—*An Act for the relief of John Parnell, James Byrnes, and Patrick Ryan.*

[Approved March 24, 1876.]

Preamble. WHEREAS, James E. Ryan was indicted by the Grand Jury of the City and County of San Francisco for the crime of assault with intent to commit murder, and gave bail in the sum of fifteen thousand dollars, by a written undertaking, with John Parnell, James Byrnes, and Patrick Ryan as sureties, and thereafter fled the jurisdiction of the Municipal Criminal Court of the said city and county, in which said indictment was and is pending, and did not appear for trial therein, and by reason thereof his said bail was by said Court declared forfeited; and, whereas, the said bail, viz: the said sureties on said undertaking, have recaptured the said James E. Ryan, and duly surrendered him to the Sheriff of said city and county, who now has him in custody, ready to answer said indictment; and, whereas, the said Court, from lapse of time, has no power to set aside the said forfeiture; now, therefore,

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

Sureties released.

SECTION 1. The said John Parnell, James Byrnes, and Patrick Ryan, and each of them, are hereby released and discharged from all liability as sureties on said undertaking of bail.

SEC. 2. Said sureties and each of them may plead such release and discharge in any action brought, or hereafter to be brought, on said undertaking, as a full and complete defense thereto.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCXXIX.—*An Act to incorporate the Town of St. Helena.*

[Approved March 24, 1876.]

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

Corporate name.

SECTION 1. The people of the Town of St. Helena, Napa County, shall be a body politic and corporate, under the name and title of the "Town of St. Helena," and by that name shall have perpetual succession; and by that name may sue and defend in all Courts, make contracts, purchase, receive, and hold property, sell, convey, transfer, or authorize the disposition of the same; and by that name may do any and all acts which the said town has power to do under this Act of incorporation. The said town may have a common seal, and may alter the same at pleasure.

SEC. 2. The corporate limits of the Town of St. Helena shall be as follows, to wit: Commencing at a point in the center of Napa River in a direct line northeasterly from the continuation of the easterly side of Sulphur Springs Avenue (being the westerly line of J. Lewelling's homestead); thence southwesterly in a direct line to the end of said Sulphur Springs Avenue, to the county road; thence following the said easterly and southerly line of said Sulphur Springs Avenue until the intersection of said line with the line of the Travy survey in the foot-hills; thence northwesterly, following the line of said Travy survey until the same intersects that part of A. B. Forbes' land which lies easterly of said Travy line; thence easterly along the line between said Forbes' land and J. York's land to the York Creek; thence up said York Creek to the said Travy line; thence northerly along said Travy line to a point opposite the most westerly boundary of Charles King; thence northwesterly to said King's westerly line; thence on said line to the center of Napa River; thence down said river to the place of beginning. The said territory so described shall form a separate road district in Napa County, and all the public highways, streets, roads, and alleys within the same, that are now open as such, are hereby declared public highways and under the control of the said corporation.

Corporate boundaries.

Public highways.

SEC. 3. The corporate powers and duties of said town shall be vested in and performed by a Board of Trustees, consisting of five members. Any three of said Trustees shall constitute a quorum. The meetings of said Board of Trustees shall be at stated times and places established by ordinance; but special meetings may be called at any time by the President. Said Board of Trustees shall assemble on the first Monday after their election, and shall take the oath of office, and choose one of their number to act as President of the Board. The said Board of Trustees shall judge of the election and qualifications of its own members. They shall keep a journal of their proceedings, and, upon the request of any member of the Board, shall cause the yeas and nays to be taken on any question before them, and entered upon the minutes. All their meetings shall be public. In case of vacancy by death, resignation, or otherwise, in any of the offices made elective by this Act, the Board of Trustees shall order and give notice of an election to fill such vacancy, unless the unexpired term of said office shall be less than three months, in which case the Board of Trustees shall, if necessary, fill said office by appointment.

Corporate powers, in whom vested.

Vacancies in office.

SEC. 4. The other elective officers of the incorporation shall be a Treasurer, who shall also be ex officio Collector; a Marshal, who shall also be ex officio Assessor and Collector of poll-taxes, and a Recorder; *provided*, that if there be an acting Justice of the Peace within the incorporation, the Recorder need not be elected.

Elective officers.

SEC. 5. All the elective officers mentioned in the preceding section shall be elected by the qualified electors of the town, on the second Monday in April in each year, and shall hold their office for the term of one year and until their suc-

City elections.

cessors are chosen and qualified. Any person shall be qualified to vote for any town officer, or hold any town office, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the town thirty days next before the election. All elections shall be conducted by three Judges to be appointed by the Board of Trustees, and they may appoint two Clerks of Election. Should the Judges, or any of them, fail to attend, the electors present may appoint others in their stead. Notice of all elections shall be given by the publication in some newspaper published in the town, or by printed notices posted up in at least five public places within the corporate limits of the town, at least ten days before such election. The first election, in accordance with the above, shall be held on the first Monday in May, in the year one thousand eight hundred and seventy-six. All elections shall be conducted in the same form and manner, and according to the laws regulating elections, and the returns shall be made by the Judges to the Board of Trustees, with a list of the persons voting at such election, and the ballots cast; and the Board shall, at their first regular meeting after such return, canvass the same, declare the result, and issue certificates of election to the person or persons having the highest number of votes at such canvass. The polls shall be opened at one P. M. and closed at half-past six P. M. on the day of election. The Board of Trustees shall, at the request of any three electors, made within three days after any election, recount the ballots and declare the result in accordance with such recount; *provided*, that the election of any one or more of the Trustees may be contested in the Court of the Justice of the Peace of Hot Spring Township, in the manner prescribed by Title Two, Part Three of the Code of Civil Procedure, the word town being substituted for county whenever the same is used in said title.

Certificates
of election,
etc.

Appointed
officers.

SEC. 6. The Board of Trustees shall appoint all other officers provided for in this Act, and may remove them at pleasure and put others in their places.

Salaries.

SEC. 7. The compensation of the officers shall be as follows: Trustees, each one dollar per annum; Treasurer and Marshal, each such sum per annum as the Trustees may determine; *provided*, that such annual compensation so allowed the said officers shall not exceed the following sums, to wit: The Treasurer, as Treasurer and ex officio Collector, the sum of one hundred dollars; the Marshal, as Marshal and ex officio Assessor and Collector of poll and dog-taxes, the sum of two hundred dollars.

Meetings of
Trustees

SEC. 8. At the meeting of the Board of Trustees a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously, by ordinance, may have prescribed. The Board may establish rules for their own proceedings, and provide for the punishment of disorderly conduct in their presence, on the part of a member or other person.

SEC. 9. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the Marshal and Assessor, Treasurer and Collector, shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Board of Trustees, in such penal sum as shall have been prescribed by ordinance; *provided*, that if from any cause such bond shall at any time become insufficient in the opinion of the Board, they may require of any officer such new or additional bond as they may deem necessary.

Oaths and bonds

SEC. 10. The Board of Trustees shall cause to be published, in some newspaper in the town, all ordinances which shall be certified and signed by the President and Clerk of the Board, and no ordinance shall take effect and be in force until ten days from the first publication thereof, and the President of the Board may, without any order or direction of the Board, cause any ordinance to be enforced, or the violations thereof punished, by an action in the name of the corporation as hereinafter provided, or otherwise. In case of the absence of the President, at any meeting of the Board, a President pro tem. must be appointed. Should any Trustee or any officer remove from the town, or refuse or neglect to qualify within ten days after his election, or, if a bond is required of him, neglect or refuse for said time to give bond, his office shall become and be declared vacant by the Board.

Ordinances to be published

SEC. 11. The Board of Trustees shall, in the months of March and September in each year, cause to be made out, and publish in some paper in the town, a full and correct statement, certified and signed by the President, of all moneys received and to whom and for what purpose expended, during the six months next preceding such statement.

Semi-annual reports

SEC. 12. The Board of Trustees are hereby authorized and empowered to enact such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary or proper in the exercise of the powers herein conferred upon them. The Board of Trustees shall have power:

First—To manage and take care of the property and finances of the town.

General powers of Trustees Streets

Second—To provide for laying out, opening, widening, extending, altering, vacating, working, grading, improving, and repairing streets, avenues, and alleys, and public parks and squares, and for preventing and removing nuisances or obstructions therein, and for acquiring or condemning lands for town purposes and highways by purchase or by proceedings prescribed by Title VII, Part III., of the Code of Civil Procedure; *provided*, that the Trustees shall not vacate any street, avenue, or alley, or any portion thereof, without the consent of the owners of at least two-thirds of the frontage on said street, avenue, or alley

Third—To establish the grade of all streets, avenues, and alleys, and to require conformity thereto.

Fourth—To provide for the drainage and sewerage of the town.

Drainage.

Fire department *Fifth*—To establish and regulate a fire department, and provide such means, measures, or material for the prevention or extinguishment of fires, as they may deem necessary to protect the town from fire.

Gas and water. *Sixth*—To provide the streets and town buildings with all gas and water necessary for their proper use, and to grant to any gas or water company authority to lay down pipes in the streets, avenues, and alleys of the town, for the supply of gas or water for the streets and buildings, for a term not exceeding twenty-five years; but they shall reserve the right to grant similar privileges to other companies, and shall require the laying down of pipes to be under the reasonable directions of the town authorities, and to be so laid as to do no injury to the proper use of the paving, planking, or macadamizing of the streets, avenues, or alleys, nor to property situated thereon, and they shall impose such restraints and conditions upon the location and construction of gas and water-works and pipes, as shall secure the least possible public or private inconvenience, and they shall provide for the enforcement of such restrictions and conditions; they may contract with gas and water companies for supplying the streets, public buildings, and cisterns, with necessary gas and water for the public use, but no contract shall extend beyond the term of office of the members of the Board making such contract; *provided*, that the town shall not contract nor become liable to pay more than one-half of the expense of lighting streets, and no street, avenue, or portion thereof, shall be lit with gas until the persons petitioning for the same shall contract with the company furnishing gas to pay at least one-half of the expense of such lighting.

Licenses. *Seventh*—To license and impose and collect a license tax upon theaters, concerts, circuses, shows, and other entertainments and exhibitions to which an admission fee is charged; also, upon bars at which spirituous or malt liquors are sold; also, upon billiard tables and bowling alleys kept for gain or hire; and they may impose a license tax upon any and all businesses not prohibited by law.

Nuisances, etc. *Eighth*—To prohibit and suppress gaming and gambling-houses, dance-houses, fandangos, disorderly houses, and houses of ill-fame, immoral or indecent amusements, exhibitions, or shows, nuisances of every description, and all kinds of vice and immorality and disorderly conduct.

Property tax. *Ninth*—To levy and collect, annually, a tax on all property in the town not exceeding fifteen cents on each one hundred dollars of the assessed valuation thereof, and to provide the manner of making assessments and of collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and county taxes.

Street assessments *Tenth*—To levy and impose assessments upon property fronting on streets, avenues, and alleys, for the purpose of paying the costs and charges of grading, improving, working, repairing, draining, and laying sewers in said streets, avenues,

and alleys, or constructing sidewalks therein, and to provide for the enforcement and collection of assessments by sale of such property, if necessary; *provided*, that real property sold for delinquent taxes or assessments shall be sold to the person who will take the least portion of the property, and pay the tax or assessment due thereon, and all costs and charges, and all such sales shall be subject to redemption, as in other sales under execution.

Eleventh—To impose and collect a poll-tax, not exceeding three dollars per annum, on every male inhabitant of the age of twenty-one years and upwards, and to enforce the payment thereof by the sale of the property or otherwise. Poll-tax.

Twelfth—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the town, which said dog tax shall be collected by the Town Marshal. Dog tax.

Thirteenth—To regulate or prevent the keeping of gunpowder and other dangerous or inflammable substances within the town. Gunpowder.

Fourteenth—To require any land or building to be cleaned at the expense of the owner or occupant, and, upon his default, after notice, to cause the work to be done, and to assess the expense upon the land or building.

Fifteenth—To prohibit and prevent the running at large of any or all domestic animals within the limits of the town, and to establish and maintain a pound for such animals, and to appoint a Poundmaster, or confer the duties of Poundmaster upon the Marshal, who shall be paid out of the fines collected from the owners of animals impounded or from sale of such animals, and from no other source. Public pound.

Sixteenth—To prescribe penalties and forfeitures for the breach or non-observance of the town ordinances; but no penalty shall be imposed on any person for any one breach of any ordinance exceeding one hundred dollars. Such penalties may be recovered before any Justice of the Peace having his office within the corporate limits of the town, or before the Town Recorder, by civil suits, brought by the Town Attorney, in the name of the corporation and against the person violating an ordinance; and an execution to collect the same shall be issued as in other civil cases; and in such cases persons living in the town, if in other respects competent and qualified, shall be competent jurors; and when judgment is rendered in any such action for the town, there shall be taxed as costs against the defendant, in addition to other costs, the sum of ten dollars, which the Town Attorney shall receive as his fee. All fines so collected shall, by the officer receiving the same, be paid over to the treasury of the town; *provided*, that under no circumstances shall the town be liable for the fees of the Attorney. Penalties and fines.
Attorney's fee.

Seventeenth—The Board of Trustees may provide for the punishment, by fine or imprisonment, of an act prohibited by an ordinance; in which case, such act is hereby declared to be a misdemeanor, which may be prosecuted and punished in like manner as misdemeanor created by statute; Misdemeanor.

provided, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any one offense shall exceed fifty days.

SEC. 13. The Board of Trustees shall prescribe by ordinance the duties of the Marshal, Assessor, and Treasurer; *provided*, that the Treasurer as Collector shall collect all taxes which shall be levied by the Board of Trustees, and which shall be paid without suit.

Delinquent
taxes.

SEC. 14. Whenever any taxes levied by the Board of Trustees shall become delinquent, they may be collected by suit in the manner following: The Town Attorney shall commence civil actions in the name of the Town of Saint Helena in a Justice's Court or in the District Court in and for Napa County (to be determined by the amount sued for or the relief sought), to recover the unpaid taxes which may be delinquent. The complaint in all such actions may be as follows: "State of California, County of Napa. Town of Saint Helena vs. A. B., and (if there be any real estate taxed) the following real estate and improvements (description of property). The Town of Saint Helena, by C. D., Town Attorney, complains of A. B., and also the following real estate and improvements (description of property, if there be any), and for cause of action says, that between the first Monday of — A. D. —, and the — Monday of —, A. D., in the Town of Saint Helena, in the State of California, E. F., then and there being Assessor of said town, did duly assess and set down upon an assessment roll all the property, both real and personal, in said town, subject to taxation, and that said assessment roll was afterward submitted to the Board of Equalization of said town, and was by said Board duly equalized as provided by law; that the said A. B. was then and there the owner of, and there was duly assessed to him the above described real estate, improvements upon real estate, and certain personal property situate in said town; and that upon such property there has been duly levied, for the fiscal year ending —, A. D. —, a town tax amounting in the whole to — dollars, all of which is due, delinquent, and unpaid; of which amount — dollars was duly assessed and levied against the said real estate, and — dollars against the improvements aforesaid. Wherefore, the plaintiff prays judgment against the said A. B. for the sum of — dollars, in gold or silver coin of the United States, the whole of said tax, and separate judgment against said real estate and improvements for the sum of — dollars in like coin, the tax thereon, and for such other and further judgment as to justice belongs, and for all costs, subsequent to the assessment of said taxes, of this action, including an attorney's fee, as prescribed by law. C. D., Town Attorney of Saint Helena." The delinquent tax list of the original assessment roll, showing unpaid taxes against any persons or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of said taxes have been complied with. The Code of Civil Procedure of this State, so far as the same is

consistent with the provisions of this Act, is hereby made applicable to the proceedings herein authorized to collect taxes.

SEC. 15. If any real estate or improvements in said town, upon which taxes or assessments remain unpaid, have been assessed to unknown owners, or to a person not the owner, who disclaims title or interest, the person liable to pay such taxes may be sued by a fictitious name, and service of summons in such case may, by the order of the Court or Judge, be made by posting a copy of the same at the post-office door in said town. The service of summons shall be complete at the expiration of three weeks from the time of posting said copy, and the service shall be treated the same as if made in the county. Service of summons may also be made in the same manner, by order of Court or Judge, when the person or persons to whom such property has been assessed cannot be found within the town, and such fact shall appear by return of the officer to whom summons in such case has been given. Proof of posting may be made by the affidavit of the officer posting the summons. The sum of one dollar for posting each copy shall be allowed for such service, and shall be taxed as costs in the action. Service of summons upon the property may be made by delivering a copy to the occupant personally, or if the premises be unoccupied, by posting a copy in some conspicuous place upon it, and such service shall be deemed completed upon such delivery and posting, and the time of pleading shall expire at the end of ten days therefrom. It shall not be necessary in any action, criminal or civil, brought under the provisions of this Act, to plead at length any ordinance of the Board of Trustees, but it shall be sufficient to refer to such ordinance by its title and the date of its passage.

SEC. 16. Any deed derived from the sale of such property under judgment and execution, under the provisions of this Act, shall be equally conclusive against the true owner of such property, whether the property shall have been assessed to him or not, or the action be prosecuted against him by his own or a fictitious name.

SEC. 17. For services in collecting taxes under this Act, the Town Attorney shall receive a fee in each suit equal to ten per cent. on the amount received, if paid before judgment, and if not so paid, twenty per cent. on such amount; *provided*, that such fee shall be in no case less than five nor more than twenty-five dollars, and such fee shall be taxed as costs, and judgment given therefor. All officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to their own use such fees as are allowed for similar services in other cases; *provided*, such fees be collected of the defendant, and in no case shall the town be liable for the services so rendered. The Board of Trustees may, however, by ordinance, prescribe any other mode of collecting delinquent taxes or assessments in addition to that prescribed by this Act, if the same be consistent with the Constitution and laws of this State.

Payment of
Poll and dog
taxes, en-
forcement of.

SEC. 18. To enforce the collection of poll-tax and dog tax hereinbefore authorized, the Marshal may seize so much of any and every species of personal property whatever, owned or claimed by any person liable to pay any such tax, or property or money in the possession of or due from any other person and belonging to any such person refusing or neglecting to pay such tax, as will be sufficient to pay such tax and costs, not to exceed in each case three dollars, and may sell the same at any time or place, upon giving verbal notice of one hour previous to such sale; and any person indebted to another liable to pay any such tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Marshal of a notice in writing, stating the name or names of the person or persons so liable and owing such tax, and such debtor may deduct the amount thereof from such indebtedness. The Marshal, after having deducted the tax for which such property was sold and costs hereinbefore provided, shall return the overplus of the proceeds to the owner. A delivery of the possession of the property by the Marshal to the purchaser at any such sale shall be sufficient title in the purchaser without exacting a certificate of purchase thereof of the Marshal; *provided*, that the Board of Trustees may, at their discretion, provide any other legal mode of enforcing the payment of said taxes.

Property
liable.

SEC. 19. The Town of St. Helena shall not pay for establishing the grade, grading, working, improving, or repairing streets, avenues, or alleys, or constructing sewers, sidewalks, or crossings, but all such expense shall be assessed upon the property fronting on such streets, avenues, and alleys, as hereinafter provided.

Grading,
etc., may be
ordered.

SEC. 20. When the owners of more than one-half in frontage of the property fronting on any street, avenue, or alley, or portion thereof, between the center line of two cross-streets, or between the center line of a cross-street and the terminus of such street, avenue, or alley, shall desire to have the grade established, or to grade, fill, plank, pave, macadamize, or gravel the same, construct sidewalks along or sewers therein, or otherwise improve or repair the same, and shall petition the Board of Trustees, in writing, asking that the same may be done, the Board may order said work to be performed as requested, at the expense of the property fronting on said street, avenue, or alley, or portion thereof, to be assessed upon it in proportion to the number of front feet of the several lots; *provided*, that the expense of working the portion of said street, avenue, or alley, crossed by other streets, avenues, or alleys, including culverts and street crossings thereon, shall be borne by the property constituting the frontage of the quarter blocks on the two streets adjoining and cornering upon the improvement done upon ground common to both streets, and shall be assessed upon the several lots in proportion to the number of front feet in each; *provided*, that when any of the petitioners for any such improvement of any street, avenue, or alley shall have already, at their own expense, constructed the proposed

improvement in front of their lots, and to the center of the street, no portion of the costs of the work to be done shall be assessed to them or on their property, but they shall be assessed with their proportionate share of the expense of the proceedings only.

SEC. 21. Whenever a petition shall be presented to the Board, as provided for in the preceding section, they shall, if necessary, order a survey of the proposed improvement to be made by some competent person selected by them, and such person shall make and report specifications, in detail, of the work necessary to be done. If such report be satisfactory to the Board, they shall cause notice to be given, in some newspaper published in the town, or by posting at least five notices in the corporate limits, for at least two weeks, inviting sealed proposals for the construction of said work within a time specified, according to such specifications or petition, to be filed with the Clerk on or before a day mentioned in such notice. Each bid shall be accompanied by a bond, with at least two responsible sureties, in an amount to be fixed by the Board, conditioned that the bidder will enter into a contract with the Board for performance of said work should his bid be accepted. All bids should be in such form that the sum to be paid for any portion of the work, less than the whole, may be easily computed in case one or more of the owners of the property should elect to do the work in front of their property as hereinafter provided; *provided*, that where the petition is for the establishment of the grade of a street, avenue, or alley, the Board may, in the first instance, appoint some competent surveyor to survey and establish such grade; *and provided further*, that when the petition shall sufficiently specify the work to be done, the Board may immediately invite bids to perform the work specified in the petition.

Petitions and proposals for work.

SEC. 22. At the time of advertising for bids, as provided for in the preceding section, notice shall be given by the Board to all persons interested to appear on the day fixed for opening bids, and make any objections which they may have to the proposed work, which notice shall be published in the same manner and for the same length of time as the advertisement for bids.

Opening of bids.

SEC. 23. Upon the day set for opening bids, if the Board shall be satisfied that the persons petitioning are owners of more than one-half in frontage of the property fronting on the street, avenue, or alley, or portion thereof to be worked, and the proposed work is expedient, and that there is no valid objection thereto, they may make an order that the work be done and accept the lowest responsible bid, or reject all bids, and advertise anew for bids. If, from any cause, the petition shall be denied, the petitioners shall pay all costs of the proceeding into the treasury of the town, and in default of such payment, the same may be recovered by suit against said petitioners, or any of them, in the name of the town, in any Court of competent jurisdiction.

Same.

SEC. 24. When the Board shall accept any bid to do such work, any owner of the property chargeable therewith may elect to make the improvement in front of his lot and to the

Owners to be preferred bidders.

center of the highway, and within five days thereafter shall file a notice with the Clerk, declaring such election and specifying the portions of the work which he will do, and he shall file, at the same time, a bond with two sufficient sureties, to be approved by the Board, or in a sum equal to the cost of the work to be done by him, payable to the town, conditioned that such persons will, within the time fixed by the Board for the completion thereof, perform the said work, and that he will pay his just proportion of the costs of proceedings other than the cost of the work to be done; and the owner of any property chargeable with any portion of the costs of the work done upon the ground common to two streets, as provided in section nineteen, may, in same manner, elect to do such work, and shall file the notice and the bond hereinbefore provided; and when two or more such persons file notice of such election, the Board shall, upon five days' notice, let the contract for such work to the property owner proposing to do the same at the lowest price.

Contract.

SEC. 25. At the end of five days from the acceptance of such bid, the Board shall enter into a contract with the successful bidder for the construction of all of said work which the property-owners shall not have elected to do themselves, and they shall require of said contractor a bond to the corporation, with two sufficient sureties, to be approved by them, in a sum equal to the contract price of the work to be done, conditioned that the contractor will perform the work faithfully, within a time to be therein named.

Property
liable for
costs.

SEC. 26. When the Board of Trustees shall make any contract to do any such work after advertising for bids, or when they shall have caused any grade to be established by a surveyor, or caused any work to be done which is chargeable upon the property fronting on any highway, they shall ascertain the cost of said work and the cost of the proceeding, and shall assess the same upon the property affected thereby, and shall direct the Assessor to make an assessment roll.

Duty of
Assessor.

SEC. 27. The Assessor shall thereupon make out and return to the Board a full and complete list, in which shall be given a description of the several pieces of property to be charged, and the names of the owners of each lot, arranged alphabetically. (If the owner be unknown, the name shall be as "unknown owner.") The number of front feet in each piece or lot, and the rate per front foot that such lot has been charged, and the full amount assessed to each separate lot, shall be carried out into a separate column and the total shall be added up at the foot thereof. The Board may correct said assessment list in any particular before approving the same, and after approval thereof by the Board, by an order entered in their minutes, the same shall be certified to be correct by the President of the Board, and thereupon the sums so assessed shall become liens upon the respective lots.

Treasurer to
give notice

SEC. 28. The assessment roll shall then be placed in the hands of the Treasurer, who is authorized to receive all sums so assessed. Within one week after receiving the roll, the Treasurer shall advertise notice in some newspaper, or by public notices, posted as in other cases, published in the town,

that such assessment is due and payable, and, if remaining unpaid for thirty days from the date of the first publication of notice, will become delinquent. The notice shall be published for at least eight days, and on at least two different days of publication shall state the hours during which, and the place where, payment will be received by the Treasurer. When any payment shall be made, he shall write the word "paid" against such amounts. At the end of the thirtieth day he shall declare all assessments unpaid to be delinquent, by an entry in writing at the foot of the roll, signed by him, and shall return such delinquent list to the Clerk of the Board. The Board shall thereupon direct that the Town Attorney

Attorney to collect.

proceed by action to collect such delinquent assessments in the name of the corporation, and against the several lots or pieces of property and the owners thereof.

SEC. 29. Such action shall be brought in the District Court in and for Napa County, in the same manner and with like effect as actions for the collection of delinquent taxes, as provided for in section thirteen, fourteen, fifteen, and sixteen, which are hereby expressly made applicable to suits for delinquent assessments; *and provided further*, that the complaint in such action may be as follows: State of California, County of Napa. In the District Court of the Seventh Judicial District, in and for the County of Napa. The Town of St. Helena vs. A. B., and the following described real estate, fronting on — street, in the Town of St. Helena. (Description of property.) The Town of St. Helena, by C. D., Town Attorney, complains of A. B. and the said real estate, defendants herein, and for cause of action says, that heretofore, to wit: on the — day of —, A. D. —, the said A. B. was the owner of the premises aforesaid, and on said day E. F., being the Assessor of said town, did return to the Board of Trustees an assessment list of lots and pieces of land fronting on (here insert street, avenue, or alley, or portion thereof), chargeable with the costs of certain improvements (or work) ordered to be done by said Board, which said assessment was approved by the Board and certified to be correct by the President thereof. That upon the said described real estate, so owned by said A. B., there was duly charged upon said assessment, for said work (or improvement), the sum of — dollars, gold or silver coin of the United States, which was duly levied upon and became a lien upon the premises on the — day of —, A. D. —. That said sum is now due and delinquent and charged upon said land. Wherefore, plaintiff prays judgment against the said real estate for the sum of — dollars, and for all costs subsequent to said assessment, and costs of the suit, including an attorney's fee as prescribed by law, and for the sale of said real estate, or so much as may be necessary to pay said judgment, and for such further relief as may be just. C. D., Attorney of St. Helena.

Action, how brought.

SEC. 30. All moneys collected by the Treasurer or Town Attorney on such assessment shall be placed in the treasury to the credit of such improvements or work, designating it by number, as Improvement No. —; and upon the com-

Payments to contractor.

pletion and acceptance thereof, the Board shall order said money paid to the contractor; and the President of the Board shall, at the same time, draw a warrant in favor of such contractor upon such fund, for the full amount due from the property assessed.

Grades,
sewers, etc.

SEC. 31. The Board of Trustees may at any time, without petition, provide for establishing grades, and for constructing and laying down drains, sewers, and culverts, and for repairing streets, avenues, and alleys, or portions thereof, so as to render them susceptible of convenient use; and shall proceed in assessing the expenses of such work upon the property chargeable therewith, as hereinbefore provided, and in enforcing the same in the same manner as in cases of assessments made upon petition; *provided*, that if the Trustees should decide to widen any street as above provided, any property holder on the said street who may be affected by such action of the Board of Trustees, may, in writing, petition the Board for the appointment of three Commissioners to examine and report on the said projected improvement. The Board shall immediately appoint three disinterested property holders to act as Street Commissioners, who shall immediately proceed to pass judgment upon the effect of the said improvement on the property of said petitioner. If, in their opinion, the said petitioner shall sustain damages by the contemplated action of the Board, they shall report the amount of such damages, and the Board shall tender full payment of the amount before commencing said improvement. The decision of the said Commissioners shall be final, and the party petitioning shall forfeit all right to recover damages if he shall refuse the sum tendered.

Special
Street Com-
missioners.

SEC. 32. Whenever special Commissioners are appointed, by direction of the Town Trustees, to view the proposed location of a new street, or the widening of a street, it shall be their duty to assess and appraise benefits as well as damages. Said especial Commissioners shall return a written report of the performance of their duties, and the indorsement of their decision by the Board of Trustees shall be final.

SEC. 33. The taxes, assessments, penalties, forfeitures, fines, salaries, fees, costs, and moneys herein provided to be paid, shall be payable exclusively in gold and silver coin.

Revenue
Year.

SEC. 34. The revenue year shall be deemed to commence on the first Monday in March in each year, and the taxes levied by the Board of Trustees in each year upon real and personal property shall become a lien upon the real estate of the owner on said day, and continue a lien thereon until paid.

Revenues,
Law applied.

SEC. 35. The revenue and income of the town of each year shall be devoted exclusively to the payment of liabilities and expenses of that year; and the Board shall not create, allow, audit, nor permit to accrue any debts or liabilities above the actual revenue for the current year; and every liability assumed, claim audited or allowed, or warrant drawn in excess of the annual income, shall be void; *provided*, that any money remaining in the treasury unap-

propriated at the end of the year may be applied to the expenditures of the succeeding year.

SEC. 36. The style of all town ordinances shall be as follows: "The Board of Trustees of the Town of St. Helena do hereby ordain as follows." All ordinances shall be signed as nearly as may be in the following form, viz: "In Board of Trustees finally passed this _____ day of _____, A. D. _____. Attest: A. B., Clerk. C. D., President of the Board of Trustees;" and all ordinances so authenticated shall be recorded by the Town Clerk in a book to be kept for that purpose. Style of ordinances.

SEC. 37. All moneys paid into the town treasury shall be expended and paid out as hereinbefore provided in this Act.

SEC. 38. All taxes levied upon property or persons within the limits of the corporation for road purposes, under the laws of the County of Napa, except such taxes as may be levied for the contingent road fund and to pay off existing indebtedness, shall be paid by the Tax Collector of the county into the town treasury, at the same time as is required by law for payment of other taxes into the county treasury; and he shall take the receipt of the Town Treasurer and file the same with the County Auditor, who shall credit the Collector with the amount thereof. Taxes to be paid to Treasurer.

SEC. 39. All moneys collected for and accruing from the collection of road poll-tax within the corporate limits of the town, shall be kept in a separate fund, and be used exclusively for the improvement and repairing of the streets in said town, except as hereinafter provided. Improvement Fund.

SEC. 40. Of the moneys collected for road poll-taxes within the corporate limits of the town, the Board of Trustees thereof are hereby authorized to expend annually such sum as, in their judgment, may be necessary (not exceeding one-half of the said taxes) for the improvement and maintenance of the Howell Mountain Road, leading from St. Helena to Pope Valley, between the summit and St. Helena; all the work for which money is paid as above, to be done under the direction and control of the Trustees of said town. Same.

SEC. 41. The Board of Trustees shall have power to appoint the Town Attorney, a Stove-pipe Inspector, a Clerk, and such other officers as may be necessary to carry out the provisions of the above Act, and to allow a reasonable compensation for the services performed, except in case of the Town Attorney, whose fees shall be as hereinbefore provided. Trustees to appoint officers.

SEC. 42. The following-named persons, to wit: J. I. Logan, H. A. Pettit, and W. T. Simmons, are hereby constituted a Board of Election, to call and provide for the first municipal election in said town, for the second Monday in April, eighteen hundred and seventy-six, and give five days' notice thereof.

SEC. 43. This Act shall take effect and be in full force from and after its passage.

CHAP. CCCXXX.—*An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of San Diego.*

[Approved March 24, 1876.]

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

Animals
may be
taken up.

SECTION 1. Any owner or occupant of any land or possessory claim, finding any horse, mare, colt, mule, jack, jennet, hog, goat, sheep, or horned cattle, or any number of such animals, doing, or having done damage on such land or possessory claim, whether the said land or claim be inclosed by a fence or not so inclosed, may take up, and at the expense of the owner, safely keep such animal or animals for ten days, and shall be allowed, for keeping such animal or animals, the following-named sums: For each horse, mare, colt, mule, jack, jenny, or horned cattle, the sum of twenty cents per day; for each hog, the sum of ten cents per day; and for each sheep or goat, the sum of five cents per day; *provided*, that the owner or owners of such animal or animals shall be entitled to the possession of the same by proving property, and giving security for the payment of damages charged, and such charges and fees which may accrue.

Fee for
keeping.

Notice to
owners.

SEC. 2. When the owner or owners of animals taken up are known, and said owner or owners reside in or near the township, they shall be personally notified, or written notice directed to them and left at their usual place of residence; but if at a great distance from the place of taking up, the notice of such detention, and the reason therefor, shall be served by depositing the same, postage paid, in the nearest post-office, directed to the owner at a post-office at or near his or their residence. When the owner or owners are not known to the person taking up the animals, written notices, containing a description of the animals, their marks and brands, as nearly as can be reasonably ascertained, and stating the cause of detention, shall be posted conspicuously in three public places in the township, and a copy delivered to the Justice of the Peace of said township, and if there be no Justice in said township, then with the nearest Justice in an adjoining township.

Damages,
action for.

SEC. 3. At the expiration of ten days, if the animal or animals have not been applied for, or if they have, and the parties do not agree on the amount of damages and compensation, the taker up, when the damages and compensation claimed for taking up and keeping shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace of the township where the trespass was committed, or the township where the owner or owners of the animal or animals reside, setting forth the nature and location of the alleged damages, the amount he claims against said animal or animals, and that he actually sustained the damages claimed; and if there be no Justice

in said township, then he shall file his complaint with a Justice of the Peace in the nearest township.

SEC. 4. When the owner is known, the action shall be served and returned as in other actions; when the owner or owners are not known, the action shall be against the property *in rem*, and the summons shall be directed to unknown owner or owners of said animal or animals, describing them therein; and any action thus commenced may include all the animals found doing damage, whether of one or more marks and brands, and shall be served by posting a copy of the same in three public places in the township, one of which shall be on the outside of the door of the Justice's office, and shall be returnable in not less than ten days from its date, and shall be posted up at least eight days before the trial, and no judgment shall be entered up under the provisions of this Act by default, but the damage done shall be proven by the testimony of one or more creditable witnesses. If judgment be in favor of plaintiff, the property may be levied upon and sold as other personal property seized on execution; if the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court. The officer selling property under this Act shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner or owners of the animals sold, if demanded within three months from the date of sale, otherwise it shall be, at the expiration of three months, paid into the county treasury for the benefit of the County School Fund.

Action, how maintained.

Sale of animals, overplus of money.

SEC. 5. Any owner or owners of animals seized under the provisions of this Act may, at any time previous to the sale, demand and shall be entitled to the possession of such animal or animals, upon making satisfactory proof of ownership, and paying his or their proportion of damages, charges, and fees, and after the sale may, at any time within three months, redeem said animal or animals, upon making proof of ownership, and paying the purchaser the amount of purchase money, with ten per cent. added thereto, and expense of keeping at the rate of one dollar and fifty cents per month per head for hogs, and seventy-five cents per month per head for sheep and goats, and three dollars per month per head for all other animals.

Owners may redeem.

SEC. 6. The Justice of the Peace shall make a record in his docket of all animals sold under the provisions of this Act, which shall be open to inspection, which record shall contain the description of the animals, their marks and brands, the name of the purchaser, his usual place of residence, the amount of purchase money, damages, fees, and charges, and the surplus money, if any, arising from each sale, and if said surplus money shall be received by the owner, he shall receipt for it on the margin of the docket.

Justice's record.

SEC. 7. The fees of the Justice and Constable for services

Fees.

under this Act shall be the same as allowed for similar services in other civil actions.

Traveling
herds liable.

SEC. 8. Drivers of all kinds of animals named in this Act, traveling through said county, shall confine their herds, as much as possible, within the limits of the public road and highways, and when found on private property shall be subject to all the conditions and penalties of this Act.

Misdemeanor.

SEC. 9. Any person who shall drive any animal or animals from outside land upon his own land for the purpose of taking advantage of the provisions of this Act, and any person who shall be found with any animal or animals on the land or possessory claim of another, and the owner or agent of said land or possessory claim shall give said person verbal or written notice that he will take into possession said animal or animals, and accordingly proceeds to take possession of the same, and should the person having possession of said animal or animals attempt, after receiving said notice, to rescue the same, or take from the possession of the taker up, any animal or animals, or cause the same to be done without having paid the compensation, fees, and damages claimed or awarded, or having given security for such payment, or any officer violating any of the provisions of this Act shall be deemed guilty of misdemeanor, and shall, upon conviction thereof, be punished accordingly.

SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXI.—*An Act for the payment of the claim of Laura De Force Gordon against Swamp Land District Number Five.*

[Approved March 24, 1876.]

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

Appropriation to pay claim.

SECTION 1. The sum of four hundred and fifty-nine dollars is hereby appropriated out of any funds belonging to Swamp Land District Number Five (which district is situated in the County of San Joaquin, State of California), for the payment of the claim of Laura De Force Gordon, for publishing in the *Daily Evening Leader*, at Stockton, in said county and State, the delinquent list of purchasers of swamp and overflowed land in said District Number Five.

Controller to draw warrant.

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant for the sum of four hundred and fifty-nine dollars in favor of Laura De Force Gordon against said fund, and the Treasurer of the State is directed to pay the same out of any money belonging to said Swamp Land District Number Five.

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

CHAP. CCCXXXII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCXXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCXXXIV.—*An Act to provide for the completion of the building in the City and County of San Francisco known as the New City Hall.*

[Approved March 24, 1876.]

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

SECTION 1. The Mayor, City and County Attorney, and Auditor of the City and County of San Francisco, and their successors in office, are hereby authorized to act as a Board to be known as the Board of New City Hall Commissioners for the City and County of San Francisco. And the said Board are hereby authorized, empowered, and directed to take possession of the premises bounded by Larkin Street on the west, McAllister Street on the north, and Park Avenue on the south and southeast, and the improvements thereon, and to proceed with the construction of the building on said premises known as the New City Hall, according to the plans heretofore adopted for a permanent building, as contemplated by "An Act of the Legislature of the State of California to provide for the erection of a city hall in the City and County of San Francisco," approved April fourth, eighteen hundred and seventy. And the Board of Supervisors of the City and County of San Francisco are hereby authorized, empowered, and directed to turn over and deliver to the Board of New City Hall Commissioners, all and singular, the site, superstructure, and material of said City Hall, as well as all the plans, specifications, books, papers, contract rights, privileges, machinery, tools and appliances, and property of every description and nature belonging to the same.

Mayor, City Attorney, and Auditor, to be Hall Commissioners.

General powers.

SEC. 2. Before entering upon the discharge of their duties, the said Commissioners shall take and subscribe, before an officer authorized to administer oaths, the oath of office; and shall each give a bond in the sum of ten thousand dollars, with two good and sufficient sureties, to be approved by the Judge of the Municipal Court of the City and County of San Francisco, conditioned for the faithful discharge of the duties as herein prescribed; and the said oaths of office and bonds shall be filed in the office of the County Treasurer of the City and County of San Francisco.

Commissioners' bonds.

Secretary.

SEC. 3. As soon as said Commissioners are qualified as herein provided, they shall proceed to organize the Board. The Mayor shall be President of the Board, and keep a record of its proceedings until a Secretary is duly appointed and qualified. The Board shall appoint a Secretary, in the manner herein provided, who shall take the oath of office, and give a bond, conditioned for the faithful discharge of his duties, in the sum of five thousand dollars, with two good and sufficient sureties, to be approved by the Judge of the Municipal Court of the City and County of San Francisco; which bond shall be filed in the office of the County Treasurer of said city and county. The Secretary shall hold office at the pleasure of the Board.

Oath and bond of.

Board to appoint Architect and Superintendent.

SEC. 4. As soon after the organization of the Board as the Commissioners may deem expedient, they shall proceed to appoint an Architect and a Superintendent of Works, who shall hold their respective offices at the pleasure of the Board. The Architect and Superintendent of Works shall each take and subscribe the oath of office, and each shall give a bond; the Architect in the sum of twenty-five thousand dollars, and the Superintendent of Works in the sum of twenty thousand dollars, with two good and sufficient sureties, to be approved by the Judge of the Municipal Court, conditioned for the faithful discharge of their respective duties. The Superintendent of Works shall be a master builder, and have been a resident of the City and County of San Francisco for at least five years.

Oaths and bonds of.

Duties of Secretary.

SEC. 5. It shall be the duty of the Secretary to take charge of and safely keep the books, papers, and records of the Board of Commissioners, to attend all meetings of the Board, and keep full and correct minutes of their proceedings, to keep an accurate account of the receipts and disbursements of the Commission, keep an accurate account with each officer, clerk, contractor, and employé, and perform such other services as are herein provided, and such as may be required of him by the Board of Commissioners. He shall keep his office open every day (Sundays and holidays excepted), from eight o'clock A. M. until five o'clock P. M.

Duties of Architect.

SEC. 6. It shall be the duty of the Architect, under the direction and control of the Commissioners, to draw specifications of the work to be done, to make the necessary drawings for the same, to judge of the quality and durability of the materials that may be furnished for the construction of the said City Hall, and to take special care that all work be done in a good, substantial, and workmanlike manner, and in accordance with the specifications.

Duties of Superintendent.

SEC. 7. It shall be the duty of the Superintendent of Works, herein authorized to be appointed, when work is being done upon said building, or materials to be used in the construction are being furnished, to be in constant attendance at the said building to see that the work is done in a good, and substantial, and workmanlike manner, and that the materials used are of the description and quality called for by the specifications. All work upon the said building shall be done under the immediate supervision of

the Superintendent of Works, and all materials used in its construction shall also be furnished under his immediate supervision. He shall also perform such other and further duties connected with the construction of said City Hall as shall be required of him by the Board of Commissioners hereby created.

SEC. 8. The salary of each Commissioner shall be one hundred dollars per month. The salary of the Secretary shall be one hundred and fifty dollars per month. The salary of the Architect shall be two hundred and fifty dollars per month. The salary of the Superintendent shall be two hundred and fifty dollars per month. The salaries herein provided shall be in full compensation for all services rendered under this Act, and no other or greater compensation shall at any time be allowed or paid to either of the officers herein named.

Salaries of Commissioners, Secretary, Architect, and Superintendent.

SEC. 9. All meetings of the Board shall be held in the room in which the meetings of the Board of Supervisors of the City and County of San Francisco are held, and shall be public; and the records and proceedings of the Board shall be open to the inspection of the public at any time during office hours.

Meetings of Board.

SEC. 10. The Board shall appoint officers, award contracts, allow claims, and authorize the expenditure of money, by resolutions entered in the minutes of the Board. All resolutions appointing an officer, awarding a contract, allowing a claim, or authorizing the expenditure of money, after its introduction, and before it is finally acted upon by the Board, shall be published for at least five successive days (Sundays and holidays excepted), in at least two daily newspapers, published in the City and County of San Francisco, of general circulation. At any time after the first and before the last publication of a resolution, as herein provided, any citizen may protest in writing against the adoption of such resolution by the Board, and the Board shall consider and dispose of such protest before acting upon the resolution. All resolutions shall be voted upon by ayes and nays, which shall be entered in the minutes of the Board.

Resolutions, etc., of Board.

SEC. 11. In the event that the Board of Supervisors of the City and County of San Francisco shall deem it expedient to continue the construction of the New City Hall in the mode and manner prescribed by this Act, 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, the said Board of Supervisors are hereby authorized and empowered to levy and collect annually, for the fiscal year commencing July first, eighteen hundred and seventy-six, and ending June thirtieth, eighteen hundred and seventy-seven, and each and every fiscal year thereafter, during the four fiscal years next ensuing, in the same manner and at the same times as other taxes in said city and county are levied and collected, an ad valorem property tax, on real and personal property within said city and county, of fifteen cents on each one hundred dollars of value, as

Supervisors to levy property tax for construction of hall.

shown by the assessment roll of said city and county for the current fiscal year.

New City
Hall Fund,
how applied.

SEC. 12. The money arising from the tax hereby authorized to be levied and collected shall be kept by the City and County Treasurer in a fund to be known as the "New City Hall Fund," and out of which said fund all claims for work, labor, and materials used in the construction of said building, and the salaries of the Commissioners, the Secretary, the Architect, the Superintendent of Works, and others employed in and about the construction of said building, and necessary office expenses of the Board of Commissioners, shall be paid. All claims against the said fund shall be allowed by the Board of Commissioners, by resolution entered upon their minutes, 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 that 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, nor the land upon which the same is located, in any manner whatever. The Board of Commissioners, in each fiscal year, may make contracts and expend in the construction of said building a sum equal to the estimated receipts of the fund during the current fiscal year, but no larger or greater sum.

Hall of
Records.

SEC. 13. The first moneys coming into the fund hereby authorized to be created shall be applied by the said Board of Commissioners to completing, so that it may be immediately occupied, that part of the said City Hall which is intended to be used as the Hall of Records, or office of the City and County Recorder, and other moneys coming into the said fund shall be expended, as far as practicable, without increasing the cost of the work, in completing, from time to time, other parts of the said building; and the parts so completed shall be used for the purposes for which they were constructed, as soon as they are ready for occupancy.

Commission-
ers to receive
proposals for
doing work,
advertis-
ement must
state.

SEC. 14. When work is to be done upon said building, or materials to be furnished, it shall be the duty of the Board of Commissioners to advertise, for at least thirty days, in the official paper, and in the morning and the evening newspapers published in said city and county, having the largest circulation, for sealed proposals for doing said work or furnishing said material, or for doing both said work and furnishing said material, as they may deem best. The said work and materials 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 on said day within which bids will be received. At the time named in the advertisement the Board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Board whilst it is in session, and within the

hour named in the advertisement. No bids not so delivered to the Board shall be considered. All bids called for by the advertisement shall be on blanks to be furnished by the Secretary of the Board; each bid, as it is received, shall be numbered and marked "Filed" by the President. At the expiration of the hour stated in the advertisement within which bids will be received, the Board shall proceed to open the bids in the presence of the bidders, and an abstract of each shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Commissioners shall compare the bids with the record made by the Secretary, and fix the day and hour for a meeting of the Board to consider the bids and award the contract. An abstract of said bids, showing the name of each bidder, the price at which work, labor, or materials is offered by each, and such other things as may be necessary to show or explain the offer, shall be made by the Secretary, and published for five days in a daily newspaper published in the City and County of San Francisco, of general circulation. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by the Board, the said Board of Commissioners, with the aid and assistance of the Architect and Superintendent of Works, shall proceed to consider the several bids, and award the contract for doing the work or supplying the materials for which proposals were invited, and for none other, to the lowest bidder who shall furnish sufficient sureties to guarantee the performance of the contract; *provided*, the said Board of Commissioners shall have the right to reject any and all bids when, in their judgment, the public interests are thereby promoted; *and provided further*, that no contract shall be awarded, except by the final passage of the resolution awarding said contract by the Board, in the manner herein prescribed. No change or modification in the place or specification shall be made after proposals for doing work or furnishing materials have been called for; nor shall a 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 District Attorney, in and for said 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 in which the same shall be completed, with such penalty for the non-performance of such contract as the said Board of Commissioners shall deem just and reasonable. Every contract entered into by the said Board, under the provisions of this Act, shall be signed by the Commissioners and by the other contracting party. 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 of the Board of Supervisors, 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 the Board, or placed in the hands of the Architects, and the other copy, with plans and specifications,

Board to
open bids.Awarding of
contract.

Contracts.

Chinese labor.

shall be delivered to the contractor. All bids made, and all contracts entered into for the construction of any portion of the said City Hall, shall contain an express condition, that no Chinaman or Mongolian shall be employed in the factory, mill, foundry, workshop, or by the firm, company, or person, in doing any of the work bid and contracted for; and a failure to comply with said provision of said contract shall work a forfeiture of said contract.

Payments to contractors.

SEC. 15. The Board of Commissioners may make payments to contractors from time to time, as work progresses or materials are furnished. But until the contract is completed, at no time shall such payment exceed seventy-five per cent. of the value of the labor or materials furnished, which said value shall be ascertained and determined by the Architect and Superintendent of Works, subject to the approval of the Board of Commissioners.

Commissioners to publish statement.

SEC. 16. It shall be the duty of the Board of Commissioners, on the second Monday of July, eighteen hundred and seventy-seven, and on the second Monday of July in each and every year thereafter, to and including the year eighteen hundred and eighty-one, to make out and publish in two of the daily newspapers published in the City and County of San Francisco, a tabular statement, showing as follows, to wit:

First—The receipts of the New City Hall Fund during the fiscal year ending June thirtieth preceding.

Second—The amount to which the said fund is entitled for the same fiscal year, but not yet received.

Third—The amount paid out of the fund during the same fiscal year.

Fourth—The amount due upon contracts awarded during said fiscal year.

Fifth—The amount credited to the fund in each previous fiscal year.

Sixth—The amount paid out of the fund in each previous fiscal year.

Seventh—The estimated amount required to complete the City Hall; and such other matters and things as go to show the condition of the fund and its management, and the progress that has been made in the construction of the said City Hall, together with a list of all contracts that have been awarded under the provisions of this Act.

Completion of City Hall discharge of Commissioners.

SEC. 17. When the said City Hall shall be erected and completed, as in this Act provided, the said Commissioners shall turn over to the Board of Supervisors of the City and County of San Francisco, all their books, papers, and vouchers, and property of every description, and, at the same time, shall render a full and final account of their transactions, which said account shall be examined by said Board of Supervisors, and if found correct, approved, and thereupon the office of said Commissioners, and their powers and duties, shall cease and determine; *provided*, the sureties on their official bonds shall not be discharged from liability until such accounts shall have been so examined and found correct.

SEC. 18. The Commissioners authorized by this Act shall not, nor shall either of them, or the Architect, the Superintendent of Works, or the Secretary, be interested, directly or indirectly, in any contract for work, labor, or materials furnished in the construction of the City Hall; nor shall either of them be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or materials for the same. A violation of the provisions of this section shall be a felony, and upon conviction thereof, the party so offending shall be punished by a fine not exceeding five thousand dollars, or imprisonment in the State Prison for a period not exceeding five years, or by both fine and imprisonment, in the discretion of the Court.

Officers to be disinterested persons.

SEC. 19. Any public officer or employé of the City and County of San Francisco, in any way connected with the construction of the City Hall, who shall willfully aid or assist a bidder for a contract to furnish labor or materials to be used in the construction of said City Hall, to secure the award of a contract at a higher price or rate than another bidder had proposed to contract to do the work or furnish the material, when sealed proposals have been advertised for, or who shall in any way favor one bidder for a contract over another, by giving or withholding information relative to the plans or specifications, or who shall willfully mislead any bidder with regard to the plans and specifications, and every person who shall change or modify the plans or specifications of work or materials, after proposals have been solicited, or shall aid a contractor in obtaining compensation for work or material not embraced in his contract, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail of the City and County of San Francisco for a period of not less than six months, or by a fine of five hundred dollars, or by fine and imprisonment, at the discretion of the Court.

Public officers not to aid bidders for contracts.

Misdemeanor.

SEC. 20. Any officer or employé of the City and County of San Francisco, whose duty it is to superintend, supervise, direct, or control a contractor on the said City Hall, who shall willfully or carelessly accept other or different material, or permit other or different material than such as is called for by the specifications to be used in the construction of the City Hall, or who shall permit unskilled or inferior labor to be employed in the construction of the said building, or shall accept on behalf of the city and county work which is not good, substantial, and workmanlike, or who shall knowingly or carelessly certify to the correctness of a claim of a contractor, or other, for work, or labor, or material, for more than such contractor is lawfully entitled, or who shall willfully or carelessly certify that a greater amount of work or labor has been performed than has actually been done, or a larger or greater amount of material, or different material has been furnished than has actually been furnished, with the intention of defrauding or permitting another to defraud the city and county, or who shall be interested directly or indirectly in any contract for work, labor, or for furnishing material to be used in the construction of said City Hall,

Officers to carefully inspect materials and work.

Punishment for fraud.

shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the County Jail of the City and County of San Francisco for a period of not less than six months, or fined in a sum of not less than five hundred dollars, or by fine and imprisonment, at the discretion of the Court.

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

CHAP. CCCXXXV.—*An Act to provide for the opening of streets in the City of Oakland.*

[Approved March 24, 1876.]

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

Opening of streets

SECTION 1. The City of Oakland shall have power to open and widen streets and modify the boundaries thereof within its corporate limits, and to assess the expenses of such improvement upon the property benefited, as provided in this Act.

Council to give notice of intention.

SEC. 2. The Council must pass a preliminary resolution, declaring the intention of the corporation to make the improvement, describing it generally, and also describing the lands immediately benefited by the proposed improvement, which are to be assessed on account of the expense thereof, and fixing a time, not less than fifteen days thereafter, for hearing objections.

SEC. 3. The preliminary resolution must be published at least ten days prior to the time fixed for the hearing, in some newspaper printed within the corporate limits of the city, in every issue of said paper during the time, and posted in three public places within said limits, including the Council-room door, ten days prior to the time fixed for the hearing.

Protests.

SEC. 4. If the owners or possessors and claimants of two-thirds in value of the lands to be charged for the expenses of said improvement, as described in said resolution, the value to be determined according to the latest completed assessment roll of the city, protest against said improvement, the proceedings must be discontinued; and no other proceeding for substantially the same improvement can be commenced within six months thereafter; *provided, however*, that the Council may, by an unanimous vote of all its members, approved by the Mayor, proceed to cause such improvement to be made, notwithstanding such protest.

SEC. 5. When the Council is authorized to proceed as provided in section four, and at the time mentioned in the preliminary resolution, and from time to time thereafter, at the option of the Council, the Council must proceed to consider and finally act upon the matter.

Action to condemn property.

SEC. 6. If the Council determines to proceed with the improvement, it must pass a final resolution expressing its

determination, describing the improvement, and also describing the lands to be charged for the expenses of said improvement, as in the preliminary resolution, and directing that an action be commenced in the District Court of Alameda County for the condemnation of the property necessary to be taken for said improvement.

SEC. 7. A complaint must be filed in said Court, wherein the city must be the plaintiff, and the persons owning and claiming the lands to be taken for said improvement and the lands to be assessed for the expenses thereof, the defendants, setting forth the final resolution of the Council, describing the proposed improvement, and the lands to be assessed for the expense thereof, and the matters required by section twelve hundred and forty-four of the Code of Civil Procedure.

Complaint must state.

SEC. 8. The Clerk of the Court must issue a summons as provided by section twelve hundred and forty-five of the Code of Civil Procedure, and service of the same must be made as in civil actions; *provided, however*, that where the person on whom the service is to be made resides out of the State, or cannot, after due diligence, be found within said city, or is a foreign corporation, having no managing or business agent, cashier, or secretary within the State, or there are unknown owners of any of the parcels of land sought to be taken, or declared by said Council to be immediately benefited, as provided for in section two of this Act, and the fact appears by affidavit to the satisfaction of the Court or the County Judge, such Court or Judge may make an order that the service be made by the publication of the summons. The order must direct the publication to be made in a newspaper in said city, to be designated, for a period not less than thirty days, and the service of the summons shall be deemed complete at the expiration of the time prescribed by the order of publication.

Summons.

SEC. 9. All persons in occupation of or having or claiming an interest in any of the property described in the complaint, or in the damages for the taking thereof, though not named, may appear, plead, and defend, each in respect to his own property or interest, or that claimed by him, in like manner as if named in the complaint.

Who may defend action.

SEC. 10. The Court may, in its discretion, appoint three referees to take the testimony as to benefits and damages, and to report their findings to the Court. Any party may object to the appointment of any person as referee on one or more of the grounds specified in section six hundred and forty-one of the Code of Civil Procedure. The Court or referees must hear all legal testimony that may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

Court to appoint referees; duties of.

First—The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate therein; if it consists of different parcels, the value of each parcel and each estate, or interest therein, shall be separately assessed.

Second—If the property sought to be condemned consti-

tutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.

Third—The benefit to the several parcels of land within the prescribed limits not taken for the improvement.

Report of referees.

SEC. 11. The referees shall make their report within a time to be prescribed by the Court; *provided*, that if they cannot agree, they may make separate reports as to all or any of the parcels of land, and the Court may confirm the unanimous report or either of the separate reports; or may, upon the testimony given, find the facts itself. If the aggregate of benefits is less than the damages, the proceeding shall be discontinued; if equal to or greater than the damages, the Court must assess said lands for an amount sufficient to pay such damages. Each parcel must be assessed separately, in proportion to the benefits received from said improvement. If the benefits to any parcel are less than the damages to it, they shall be deducted from the damages, and the remainder shall be the amount of damages allowed to such parcels.

Excess of benefits

SEC. 12. When the Court has ascertained the excess of benefits over damages to each parcel so benefited, it must, by its judgment, direct a sale of each parcel, or so much thereof as may be necessary, and the application of the proceeds of the sale to the payment of said amount, and the costs of Court and expense of the same.

Satisfaction of judgment.

SEC. 13. Within thirty days after the entry of judgment the persons liable must pay to the Clerk of the Court the several amounts thereof, in default of which the same shall be collected by sale of the respective parcels under execution. The provisions of the Code of Civil Procedure relating to the sale of land under execution shall apply to sales under this section.

Final order of Court.

SEC. 14. After the money is collected, payment shall be made or tendered to the parties entitled thereto, if they can be found, and the Court must make a final order of condemnation, which must describe the property condemned, and the purpose of such condemnation.

SEC. 15. A copy of the order must be filed in the office of the Recorder of the county, and thereupon the property described therein shall vest in the plaintiff, for the purposes therein specified. In case of conflict of title to any parcel, the money to be paid shall be placed and remain in Court, to be awarded to the true owner, by due process of law.

Costs.

SEC. 16. Costs may be allowed or not, and if allowed, may be apportioned among the parties, in the discretion of the Court. Except as otherwise herein provided, the provisions of Part Second and Part Third of the Code of Civil Procedure are applicable and constitute the rules of practice, and the rules applicable to new trials and appeals in this proceeding.

Exemptions.

SEC. 17. The City of Oakland shall not open or extend the street now called "East Ninth Street," formerly known

as Jefferson Street; nor shall the city open Eighth Avenue, formerly called Fremont Street, through the property of T. W. Badger, now called Badger's Park, and known upon the official map or plot of Brooklyn as fractional blocks numbers one and eleven.

SEC. 18. An Act entitled "An Act to authorize the Council of the City of Oakland to lay out, open, or improve streets in said city," approved January thirty-first, one thousand eight hundred and seventy, and all Acts amendatory thereof and supplementary thereto, are hereby repealed.

SEC. 19. This Act shall take effect immediately.

CHAP. CCCXXXVI.—*An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-six.*

[Approved March 25, 1876.]

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

SECTION 1. The City of Stockton, by its City Council, is empowered to issue bonds, not exceeding in amount the sum of twenty-one thousand three hundred dollars, as hereinafter provided, for the purpose of redeeming the bonds of said city which become due during the year eighteen hundred and seventy-six.

SEC. 2. Said bonds shall be numbered consecutively as issued, shall be signed by the Treasurer and countersigned by the Mayor of said city, in their official capacities, and shall have the seal of said city affixed, and shall bear interest at the rate of eight per cent. per annum, payable semi-annually on the first days of January and July in each year, upon coupons for such year, signed by the City Treasurer of said city and attached to said bonds, the amount of interest to become due on any fraction of time from date of issue, and the time for the first payment of interest, being written upon the coupon representing that payment. The principal sum shall be made payable at a period not exceeding twenty years from date, and may be redeemed at any time after ten years from said date, at the option of said city, and both principal and interest shall be made payable in gold coin of the United States, at the Treasurer's office in said city.

SEC. 3. The City Council shall cause a record to be kept of the issuing of said bonds, to whom delivered, amount, numbers, and such other facts as may be deemed needful, and of all bonds redeemed, and may make any and all needful orders for the issuing, delivery, custody, or negotiation of said bonds, or for the exchange, redemption, or rate or manner of sale or exchange of bonds for any now outstanding, or any other bonds which may be needful, or become so, for

the furtherance of the purpose of this Act, not inconsistent with its provisions.

SEC. 4. All bonds redeemed under the provisions of this Act shall be canceled in writing across the face thereof, and returned and filed with the City Treasurer, and a report thereof be made to the City Council.

Interest and
redemption
funds.

SEC. 5. The City Council are hereby authorized, upon the issuing of said bonds annually thereafter, in addition to the taxes now authorized by law, and at the time when taxes are levied for general city purposes, to levy a tax sufficient to pay the interest on said bonds for each year, and in the year succeeding the tenth year from the issuing said bonds, in addition to the said sum necessary to pay said interest, a sum sufficient to raise an amount equal to five per cent. of the whole amount of said bonds then outstanding shall be assessed, and on each of the succeeding six years said additional tax shall be increased one per cent. over the amount of each past year's assessment, and for the remaining time a rate shall be fixed for each year which will pay the balance due of said bonds at the expiration of said twenty years. The fund thus raised from year to year shall be known as "The Twenty Bond Fund." Said taxes shall be levied and assessed as directed in and by an Act of the Legislature of the State of California, enlarging the limits of the said City of Stockton, approved January twenty-sixth, eighteen hundred and seventy, and by the city charter of said city, approved March twenty-seven, eighteen hundred and seventy-two, and be collected in the same manner as taxes are collected for general city purposes. The amounts, when collected, shall be paid into the city treasury and applied, under the direction of the City Council, first, to the payment of the interest on said bonds, and secondly, to their redemption.

Treasurer to
redeem
bonds.

SEC. 6. Whenever, after ten years from the issuance of said bonds, the money in said fund shall amount to four thousand dollars, the City Council may direct the City Treasurer to pay such an amount of said bonds as the money in his hands in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for three weeks in some newspaper published in said city, for sealed proposals for the redemption of said bonds, said proposals to be opened by said Council, in open session, at a time to be named in said notice, and the lowest bids for the surrender of said bonds shall be accepted; *provided*, that no bonds shall be redeemed at a sum above par value. Bids being equal, the lowest numbered bonds shall have the preference. If no offers are received, or not sufficient to exhaust the fund, the Treasurer shall give notice, by publication in a newspaper published in said city, for six successive weeks, that on and after a day fixed therein he will pay and redeem the bonds of said city, commencing at the bond lowest in number then outstanding, and so on consecutively until the fund is exhausted, giving the number of each bond so to be paid; after which time for payment fixed in said notice, all such bonds so named shall cease to draw interest.

SEC. 7. Whenever any bonds or coupons, authorized by

this Act, are paid, they shall be canceled across the face and filed in the City Treasurer's office, and report thereof made to the City Council.

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

CHAP. CCCXXXVII.—*An Act to widen English Street, in the City of Petaluma, and to take private lands therefor.*

[Approved March 25, 1876.]

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

SECTION 1. The Board of Trustees of the City of Petaluma shall have power to determine, by order, to widen English Street, from Main Street to Howard Street, to a width of seventy (70) feet, and that it will be necessary to take private lands for that purpose, and for that purpose shall enter in their minutes a resolution or ordinance declaring such determination, containing a description of the lands so deemed necessary, and also all that part of said City of Petaluma which they adjudge will be benefited by said improvement and which ought to bear the expense thereof. Such descriptions to be made with like certainty, as is required by law in complaints in actions in ejectment, to refer to all such lands by the numbers of the lots of which they are composed or form a part, as the same are laid down upon the official map of said city. Such resolution or ordinance of their intention shall be published for two successive weeks thereafter in the Petaluma Weekly *Argus*, with notice to all parties interested to file remonstrances with the City Clerk on or before the day of the next regular meeting of the Board of Trustees.

Trustees to give notice of taking private lands.

SEC. 2. If the said Board of Trustees shall determine to proceed with such contemplated improvement, they shall thereupon pass and enter in their minutes a final ordinance declaring their determination, containing a description of the land deemed necessary to be taken therefor, and also of that portion of the said city which will be benefited by said improvement, and upon which the expense thereof is to be assessed; which description shall contain the certainty and particularity required in that behalf in the first section of this Act.

Final order of Trustees.

SEC. 3. The said Board of Trustees shall cause a map of said contemplated public improvement to be made, designating on such map the lots, tracts, and parcels of land which have been declared necessary to be taken for the same as aforesaid, and showing the commencement, boundaries, and termination of such contemplated improvement; and, also, that part and portion of said city declared to be benefited by the same and to be assessed therefor, with the like certainty as required by the first section of this Act, which map shall be filed in the office of the City Clerk.

Filing of map.

Published
notices to
specify.

District
Court to ap-
point Com-
missioners.

Court to hear
proceedings.

Appraisal
and assess-
ment.

SEC. 4. The Board of Trustees of said city shall cause to be published, for two weeks, in the *Petaluma Weekly Argus*, a notice specifying and describing the land so declared necessary for such public improvement, and the portion of said city so declared to be benefited by the making thereof and to be assessed for the expense thereof, and that the damages and recompense to which the owner or owners of such land may be entitled for the same will be inquired into and determined, and that said damages and recompense, together with the costs and charges of proceedings for the purpose of acquiring title to such lands and making apportionment thereof, will be apportioned and assessed upon the owners of lots and other real estate to be benefited thereby, by Commissioners to be appointed by the District Court of the Seventh Judicial District, in and for the County of Sonoma, in the exercise of its civil jurisdiction, at a day in the next term of said Court to be holden in said county, to be specified in said notice. The said Board of Trustees shall cause a copy of said notice to be served upon each of the owners of the respective parcels of land to be taken for such improvement, and of the lands and tenements within the territory to be benefited by such improvement, who are residents of said city, and upon the usual agents or attorneys who theretofore have had charge of such lands of such owners who may be non-residents of said city, so far as known; and in case any of said parcels of land are vacant, and the owners thereof are unknown, then by affixing a copy of such notice in some conspicuous place thereon at least ten days previous to the day specified in said notice for the appointment of said Commissioners by said District Court. The service and posting of said notices may be proved by the certificate of the Marshal of said city, or in the same manner as proof is made of service of a summons in a civil case in said Court.

SEC. 5. Upon the filing in the District Court of said Sonoma County a copy of all the proceedings of the Board of Trustees of said city as hereinbefore provided, certified by the Clerk of said Board under the corporate seal of said city, and the original affidavits of publication of notices and all proof of service and posting of notices, and the original map made as hereinbefore provided, the said Court shall have and take jurisdiction of said proceeding, and shall determine the same. At the day specified in said notice, or at such other day to which the same may be adjourned, the said Court, after ascertaining to its own satisfaction that said notices have been duly served or published, and upon hearing the City Attorney of said city, and any parties who may appear for those interested, shall appoint three freeholders of said city, not interested in any of the lands and tenements described in said notice, nor of kin to any occupant or owner thereof, Commissioners of Appraisal and Assessment. The said Court may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill any vacancy occurring among them from any cause.

SEC. 6. The said Commissioners shall be sworn to faithfully discharge their duties according to the provisions of this Act. They shall proceed to view the lands and tenements mentioned and described in the notice, ordinances, resolutions, and map aforesaid, and may examine witnesses on oath, to be administered by either of them, and shall keep minutes of the testimony so taken. They shall appraise the damages which the owner or owners, or those having a less than freehold estate of the lands and tenements to be taken for such public improvement, will severally receive by being deprived thereof, and shall assess and apportion the whole amount of such damages, together with the costs and charges of said Board of Trustees, and the costs of said proceedings in Court, and of said Commission, to be taxed and allowed by the said Court upon the owners of lands and tenements within the territory deemed by the resolution and ordinance of said City Board of Trustees to be benefited by such improvement, as near as may be, in proportion to the benefit which each shall be deemed to acquire by the making thereof; *provided*, that no damage shall be allowed for the injury or removal of any building erected on any of said lands after the filing of said map; *and provided further*, that the owners of buildings heretofore erected upon said lands shall not be required to remove the same within five years from the entry of the final decree in this case by the District Court.

Duties and powers of Commissioners.

SEC. 7. The said Commissioners shall make a report thereof to the said District Court, in which report they shall describe with all reasonable certainty the several pieces and parcels of land taken for such improvement, and the names and residences of the owner or owners thereof, respectively, and the rights of such owners, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of the owners of said several parcels of land, including any and all lands purchased by and conveyed to said city for the purposes of said improvement, and the cost and expense thereof. They shall also in such report specify the sums of money which each and every owner of houses and lands deemed to be benefited by such improvement, whether known or unknown, as aforesaid, should pay toward the expense of making the same, and the lands in respect to which he shall be deemed by them to be so benefited; and in case the land in respect to which any person shall be deemed to be benefited shall be the same of which any portion held by him under the same title shall be taken for such improvement, that fact shall be stated in their report. They shall also file a duplicate of such report in the office of the City Clerk of said city.

Commissioners' report must contain.

SEC. 8. Upon the filing of such report, the said Court shall assign a day for hearing objections to the confirmation of said report; and on the day assigned, or on such other day or days to which the same shall be adjourned by said Court, shall hear the allegations of all parties interested, and may take proof in relation thereto from time to time, and shall

Hearing of report.

confirm the said report, or may set the same aside, and refer the matter to the same, or to new Commissioners.

Court to vest title in city.

SEC. 9. Upon the final confirmation of the report of the Commissioners of Appraisal and Assessments, the said District Court shall enter a decree that the City of Petaluma shall be entitled to take the lands and tenements specified in the report of such Commissioners, as necessary for the making of such public improvement, on paying to the owners of such lands and tenements the amount of damages assessed in such report; and when any damages shall be awarded, and any assessments for benefits of the improvements in respect of which such damages are awarded shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land, a part of which shall be taken for such improvement, in that case the said city shall become vested with the title of such lands upon paying, or depositing in Court, the amount of the difference between the sums of money so awarded and assessed.

Appeals.

SEC. 10. Appeal from the order or decree confirming the report of said Commissioners may be taken by any party interested in the matter, in accordance with the provisions of the "Code of Civil Procedure" of the State of California, made and provided for taking appeals from orders, judgments, or decrees made and entered in said District Court in civil actions.

Assessment roll must show.

SEC. 11. Whenever the amount of damages for taking any lands as aforesaid, and assessment thereof, shall be finally ascertained and fixed, either by confirmation of the District Court as aforesaid, or by the confirmation, correction, or modification of the report of the Commissioners by the Supreme Court, the Clerk of the said city shall make a transcript in the form used for assessment rolls in said city, except that in said assessment roll to be made from such report, as confirmed, shall be set down in separate columns:

First—The names of all persons, corporations, or companies assessed, when known; and if not known, then that fact.

Second—A description of the land in respect to which they are assessed.

Third—The amount to which such persons shall be assessed, respectively.

Fourth—The amount of damages, if any, to which said persons are entitled, respectively, by the award of the Commissioners.

Fifth—The amount of the excess, if any, to be collected.

The transcript, when so made, shall be certified by the Clerk of said city as correct, and thereupon the assessment shall be collected in the manner prescribed for the collection of street assessments in said city by the City Attorney, and shall be a lien upon the respective tracts and parcels of land, as aforesaid.

Payment of damages.

SEC. 12. Upon the collection of said assessments upon the said assessment roll as aforesaid, the Board of Trustees shall forthwith pay the amount of said damages to the owners of said lands and tenements to whom the same shall have been allowed; and in case such owners be unknown

non-residents of said city, or minors having no legally appointed guardian, it shall be lawful for said Board of Trustees, in such case, to pay the amount of said damages into the office of the Clerk of the said District Court, accompanied by a statement of the facts and circumstances under which said payment is made and describing the land taken by said City of Petaluma for which such damages have been awarded. Said money so paid into the said Court shall be held and paid by said Court in the manner prescribed by law respecting moneys belonging to doubtful or unknown owners, deposited in said Courts, and the same proceedings had to ascertain rights of parties thereto.

SEC. 13. When such damages shall be paid, as aforesaid, it shall be lawful for the said Board of Trustees, or any of their officers or agents, to take or enter upon any lands or tenements, for the taking of which such damage shall have been allowed.

SEC. 14. This Act shall take effect immediately.

CHAP. CCCXXXVIII.—*An Act concerning roads in the County of Humboldt.*

[Approved March 25, 1876.]

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

SECTION 1. It shall be the duty of the Board of Supervisors of Humboldt County, as soon as practicable after the passage of this Act, to re-divide the said county into as many road districts as may be suitable and convenient, and numbering the same from one upwards, and at any time thereafter such districts to alter or change, and new districts to form, as occasion may require. For each of said districts the said Board shall appoint a Road Overseer, who shall continue in office until his successor shall be elected and qualified.

Supervisors
to lay out
districts.

SEC. 2. At the general election for the year eighteen hundred and seventy-seven, and for every two years thereafter, there shall be elected in each road district, by the voters thereof, a Road Overseer, whose term of office shall commence on the first Monday in November next after his election and continue for two years, and until the election and qualification of a successor.

Overseers,
terms of.

SEC. 3. Road Overseers shall, within ten days after receiving notice of their appointment or certificate of their election, take the usual oath of office, and give the official bond required by said Board of Supervisors, with two or more sureties, to be approved by the County Judge.

Oath and
bond.

SEC. 4. The said Board of Supervisors shall have power to remove any Road Overseer for neglect or misconduct in office, and shall also have power to fill any vacancy that may occur in that office.

Removals.

Duties of
Overseers.

SEC. 5. Road Overseers, under the direction and supervision and pursuant to the orders of the said Board of Supervisors, must take charge of the public highways within their respective districts, and, as far as the means applicable to the purpose and at their disposal will allow, must:

1. Keep all such highways clear from obstructions, and in good order and repair.

2. Cause bridges and culverts, where necessary, to be built, keep the same in good order and repair, and renew them when destroyed; and

3. Cause guide-boards, with suitable inscriptions, to be erected and maintained at the intersection of all wagon roads.

4. Direct and oversee all work and labor done upon the highways.

Overseers to
render
accounts.

SEC. 6. Each Road Overseer shall render to the Board of Supervisors, at their regular meetings in May and November of each year, a verified and itemized account of his receipts and expenditures as Road Overseer for the preceding six months, showing particularly the sums received by him, when and from whom received; also, the sums paid, when, to whom, and for what purpose paid; and also, the balance in money due to him or to the Road District Fund; also, shall, at the meetings of said Board for levying county taxes, make or [a] report, in writing, of the general condition of the roads in his road district, with an estimate of the probable amount of money which will be necessary to keep the said roads in ordinary repair during the next twelve months ensuing, and such other information as would be likely to aid the said Board in making the apportionment of money as required by section twelve of this Act.

SEC. 7. He shall also, at same time, report to the said Board verified and detailed statements of each place where, and purpose for which, labor and money, or either, were expended, and the amounts thereof; and of the tools and implements belonging to his road district, remaining in his hands; and also of the number of days' and parts of days' services by him actually and necessarily performed in the discharge of his official duties, and the nature of such services, and the time and place when and where performed.

SEC. 8. Each Road Overseer shall also, at the end of the time for which he shall have held his office, pay over to the County Treasurer of the County of Humboldt all moneys remaining in his hands, to be placed to the credit of the Road Fund of his district; and he shall deliver to his successor in office all tools and implements belonging to his road district, taking a receipt therefor, and filing the same with the Clerk of the Board of Supervisors.

Salary of
Overseers.

SEC. 9. Each Road Overseer rendering to the Board of Supervisors the account as required by section six of this Act, and the detailed statements required by section seven, at the time and in the manner directed by said sections, shall receive for his services a sum to be fixed by the Board of Supervisors, not exceeding four dollars for each day's service performed by him on the highway of his district as such Overseer.

SEC. 10. At the regular meeting of the Board of Supervisors for levying county taxes, the Board shall annually levy upon all taxable property in said County of Humboldt a tax for road purposes, not exceeding forty cents on the one hundred dollars on the assessed value thereof for the year for which said tax shall be levied, which tax shall be collected by the Tax Collector, who shall receive as a compensation therefor two per cent., at the same time and in the same manner as State and other county taxes are collected, and paid over to the County Treasurer for road purposes. Road tax.

SEC. 11. The said Board of Supervisors shall, at the same meeting in each year, make an estimate of the probable amount of moneys which will be collected from the property road tax during that fiscal year, and after deducting therefrom fifteen per cent. thereof, to be placed in the General Road Fund, for general road purposes, shall apportion the residue between the several road districts, to be kept by the County Treasurer in separate road district funds, and to be used in the respective districts for road purposes during such fiscal year. Apportionment of Road Funds.

SEC. 12. In making such apportionment the Board of Supervisors shall not be controlled by the amount of the property tax that will probably be collected in each road district, but must take into consideration the general advantage to the county by making highways in particular districts, and may apportion to such districts more or less than the amount of property taxes to be collected therein.

SEC. 13. All damages for taking lands for highways must be paid by the order of the Board of Supervisors in warrants specifying the purpose, drawn on the County Treasurer. Such warrants may be made payable out of the General County Fund, or out of the General Road Fund, or out of the Road Fund of the district in which the land lies. The cost of erecting bridges may be paid for in warrants drawn in same manner and payable out of either of said funds. Damages, how paid.

SEC. 14. The cost and expense of laying out of roads, and keeping the roads, bridges, and culverts in good order and condition, in any road district, must be paid by the Overseer of the district by warrants drawn in the same manner directed by the preceding section, and payable out of the fund of the road district in which the work has been done. And if, upon settlement of the account of any Road Overseer, a sum of money shall be found due to him, such sum shall be paid by like warrant; *provided*, that if any such work shall be for the general advantage of the whole county, and the cost and expense too onerous to be borne by a single district, then such cost and expense, or any portion thereof, may be paid for in warrants drawn upon the General Road Fund. Costs and expenses.

SEC. 15. Whenever the work to be done, or materials to be furnished in the construction of a road, or in the repair thereof, at any one place, or in the construction or repair of any bridge or culverts, shall exceed in cost one hundred dollars, the same shall be done under contract, awarded by said Board of Supervisors to the lowest responsible bidder, after at least one week's notice shall have been given by publica- When work shall be done by contract.

tion in some newspaper published in the county, and by posting a copy thereof in three public places in the road district where the work is to be done or materials are to be furnished, calling for sealed proposals to perform or furnish the same, stating the amounts or description, or reference to specifications thereof, and the time within which the same is to be completed. In all cases where the cost of the work or materials so to be done or furnished shall not exceed one hundred dollars, the Road Overseer may cause the same to be done or procured without proposals being advertised for. And in any case when, from any sudden and unforeseen cause, any road, bridge, or culvert, or any part of either, shall be destroyed, or so materially injured as to stop or in a great degree impede travel on such highway, to the serious disadvantage of the inhabitants of the county if such injury was not immediately repaired, the Road Overseer shall, with the written consent of the Supervisors of the supervisor district in which his road district may be, cause the necessary work and materials to be done and furnished without proposals being called for as heretofore directed; *provided*, the cost thereof shall not exceed three hundred dollars.

Road poll-taxes.

SEC. 16. Every male inhabitant of any road district in said county (Indians excepted), over the age of twenty-one and under the age of fifty-five years, shall pay, annually, a road poll-tax of three dollars. Such poll-tax shall be due, payable, and collected at the same time and in the same manner as provided for the collection of other poll-taxes, and there shall be no commutation fee.

Apportionment of road poll-taxes

SEC. 17. The Assessor shall keep a separate account of the road poll-tax collected by him in the several road districts, and shall report to the Board of Supervisors, monthly, on the first Monday of each month, showing the amount of money received on account of road poll-taxes in the county, and from each district thereof; and the Board of Supervisors shall apportion such money to the district from where the same was collected, and the same shall be expended therein by the Overseer, unless the Board of Supervisors order to the contrary.

Collection of same.

SEC. 18. The road poll-tax shall be collected by the Tax Collector of the county at the same time that other poll-taxes are collected, and he shall receive a compensation therefor of eight per cent. on the amount collected, and the payment thereof may be enforced in the same manner as by law provided for the collection of other poll-tax for State or county purposes. Such tax shall be paid between the first Monday of March and the first Monday of August, and if not paid prior to the first Monday in August, then there shall be due and collected, from each person liable to pay such tax, the sum of four dollars.

SEC. 19. The Board of Supervisors must provide blank road poll-tax receipts, to be signed by the Clerk of the Board, and deliver to the County Assessor a number equal to the number of inhabitants in the county liable to the payment of such tax, charge him therewith, and credit him on settlement with the number returned.

SEC. 20. The County Assessor shall make settlements and pay over to the County Treasurer, on the first Monday of each month, all road poll-taxes collected, less his percentage; and said Collector and his sureties shall be liable on his official bond, as such Collector, for the faithful performance of his duties under this Act. Assessor to pay over.

SEC. 21. The provisions of Chapter II., Title VI. of the Political Code, so far as they do not conflict with the provisions of this Act, are applicable to Humboldt County; and for the purposes of this Act said county is a county of the second class.

SEC. 22. All Acts or parts of Act in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCCXXXIX.—*An Act to amend an Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa, approved March twenty-sixth, eighteen hundred and seventy-four.*

[Approved March 25, 1876.]

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

SECTION 1. Section sixteen of said Act is hereby amended to read: At the session of the Board of Supervisors for levying State and county taxes, the Board shall levy upon all taxable property in the county a tax for road purposes, of not exceeding more than thirty cents upon each one hundred dollars' worth of taxable property, which tax shall be levied and collected as other taxes are levied and collected, and on the first Monday in February in each year the Board of Supervisors shall levy upon every male inhabitant of the county (except Indians), over twenty-one and under sixty years of age (not exempt by law), a road poll-tax of two dollars. Said tax, together with the poll-tax, shall be paid into the county treasury and apportioned to the County Road Fund, and distributed among the several revenue districts as hereinafter provided for. The provisions of sections thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and forty-six, thirty-eight hundred and forty-seven, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-seven, thirty-eight hundred and fifty-eight, thirty-eight hundred and sixty, and thirty-eight hundred and sixty-two of the amendments to the Political Code are hereby adopted and made a part of this Act. Supervisors to levy property road tax.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXL.—[See volume of *Amendments to the Codes.*]

CHAP. CCCXLI.—*An Act to appropriate the sum of thirteen thousand dollars, to make certain repairs on the State Normal School, and to provide furniture therefor, and also to provide for a deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years, for said school.*

[Approved March 25, 1876.]

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

Appropriation.

SECTION 1. The sum of thirteen thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to be applied as follows: The sum of eight thousand dollars, to pay for certain repairs and furniture for the State Normal School; and the sum of five thousand dollars, to be used in paying the deficiency in the appropriation for the twenty-sixth and twenty-seventh fiscal years.

SEC. 2. The Controller of State is hereby directed to draw his warrant upon the State treasury, in favor of the Board of Trustees of the State Normal School, for the aforesaid thirteen thousand dollars.

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

CHAP. CCCXLII.—*An Act to prevent stock from running at large upon the roads and highways in the County of Marin.*

[Approved March 25, 1876.]

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

Constable to take up animals

SECTION 1. Any Constable, in any township or incorporated town in the County of Marin, finding any horse, mare, colt, mule, jack, jenny, horned cattle, calf, hog, sheep, or goat, or any number of such animals, running at large, without some one in charge, upon any road, street, highway, park, or common, except such roads as are not fenced, it shall be his duty to take up and safely keep, in some suitable place, such animal or animals, at the expense of the owner or owners, for ten days; and shall be allowed for taking up and keeping said animal or animals the following-named sums: For the taking up of any one of said animals, one dollar; but where two or more are taken from the same place, fifty cents for each animal taken; and for the keeping of each horse, mare,

Fee.

mule, jack, jenny, colt, or horned cattle, the sum of fifty cents per day; for each calf, hog, sheep, or goat, the sum of fifteen cents per day. It shall be the duty of said Constable to care for, feed, and water such animals while so detained. The Constable may appoint some suitable person to keep any of such animals.

SEC. 2. When the owner or owners of such animal or animals are known, or when the owner can be ascertained by a search of the marks and brands in the office of the Justice of the Peace in the township or incorporated town, and any Constable taking up any marked or branded stock shall search the records of said Justice's office to ascertain such ownership; and if the owner or owners reside in or near the township or incorporated town, they shall be forthwith personally notified; but if at a great distance from said place of detention, the notice of said detention shall be served by depositing the same, postage paid, in the nearest post-office, directed to the owner at the post-office nearest to his residence. When the owner or owners are not known, written notices, containing a description of the animal or animals, its or their marks or brands, if any, and the place of detention, shall immediately be posted conspicuously in three of the most conspicuous public places in the township or incorporated town.

Notice to owners.

SEC. 3. At the expiration of ten days, if the animal or animals have not been applied for, and sooner, if they have, and the owner refuses to pay the fees and costs due said Constable for the taking up and keeping said animal or animals, the Constable shall proceed to advertise by posting notices in three conspicuous places in the township or incorporated town for at least five days, setting forth the time and place, the amount of costs and fees due him, and that if not claimed, and all costs and fees paid prior to such time, that he shall proceed to sell such animal or animals to the highest bidder for cash. The Constable, upon selling, shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any surplus of the proceeds of such sale, after paying all costs and fees, shall be paid by said Constable to the owner of such animal or animals upon demand, if demanded within three months from the date of sale; if no demand be made at the expiration of that time, the money shall be paid immediately into the county treasury for the benefit of the County School Fund.

Notice of sale.

Surplus proceeds.

SEC. 4. Any owner or owners of any animal or animals seized under the provisions of this Act, may, at any time previous to the sale, demand and shall be entitled to the possession of such animal or animals, or for so many as he may claim, upon his making satisfactory proof of ownership, and by paying his proportion of the fees and costs; and after the sale may, at any time within three months, redeem such animal or animals by producing satisfactory proof of his right thereto, and by paying the purchaser the amount of the purchase money, with interest at the rate of one per cent. per month.

Owners may redeem.

Records of
sales.

SEC. 5. The Constable shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made by him under this Act, a description of the animal or animals sold, the price paid, the name of the purchaser, amount of fees and costs, and the amount of surplus money, if any, arising from such sale; and if such surplus money shall be received by the owner of any animal, he shall receipt for it on the margin opposite such record; and the Constable shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act; and a receipt from his successor shall be a legal discharge to the retiring Constable for all such sums paid.

Fees.

SEC. 6. The fees of the Constable for advertising, serving, and posting notices under this Act shall be the same as allowed by the general fee Bill for similar services in other civil actions in the county.

SEC. 7. Nothing in this Act shall be so construed as to prohibit persons from driving stock of any description upon any road, street, or highway, for the purpose of moving said stock from one place to another, or from passing from one county to another, nor from driving to any natural watering place, or from driving them from one inclosure to another.

Misdemeanor.

SEC. 8. Any person or persons who shall take away or turn loose, or cause to be taken away or turned loose, any of said animals or animal so detained, without the consent of the Constable, is guilty of a misdemeanor.

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

CHAP. CCCXLIII.—*An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy.*

[Approved March 25, 1876.]

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

Printing of
delinquent
tax list.

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section 3. Publication of said delinquent list shall be made one time per week, for three successive weeks, in some newspaper or supplement thereto, published in the City of Oakland, as herein provided. On the first Monday of December in each year the Mayor, Clerk, and Tax Collector of the City of Oakland, or any two of them, shall cause notice to be given in one daily newspaper published in the City of Oakland, of the time when and place where they will receive sealed proposals for printing said delinquent list. Said notice shall be published daily for four days. At the time and place designated in said notice the Mayor, Clerk, and Tax Collector of the City of Oakland, or any two of them, shall publicly open and declare

all proposals by them received for printing said delinquent list, and shall then and there award the contract for said work to the lowest responsible bidder; *provided, however*, that the contract price for the description of each lot, piece, or parcel of land separately assessed, and for each description of personal property, shall not exceed twenty-five cents. The successful bidder shall be required to give a bond in the sum of one thousand dollars, with two or more sureties, for the faithful performance of the work. Bond.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCXLIV.—*An Act declaring Gallinas Slough or Creek, in Marin County, navigable.*

[Approved March 25, 1876.]

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

SECTION 1. The slough or creek situated in Marin County, known as Gallinas, or Guyanas Slough or Creek, is hereby declared navigable from its mouth up to the line of the Sonoma and Marin Railroad.

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

CHAP. CCCXLV.—*An Act to confer additional powers upon the Board of Supervisors of San Mateo County.*

[Approved March 25, 1876.]

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

SECTION 1. The Board of Supervisors of San Mateo County is hereby authorized, in its discretion, to allow the Treasurer of said county to appoint a deputy whenever and for such time as said Board may deem necessary, to be specified in its order. Said deputy shall receive the compensation not to exceed five dollars per day, to be paid out of the General Fund of the county; *provided*, that said Board shall have power to revoke the order at any time; *and provided further*, that said deputy shall not receive a compensation to exceed five hundred dollars for any one year. Treasurer to appoint deputy. Salary.

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

CHAP. CCCXLVI.—*An Act to grant land for the right of way to the Arcata Transportation Company.*

[Approved March 25, 1876.]

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

Corporation
to maintain
wharf, etc.

SECTION 1. The Arcata Transportation Company, a body corporate, created under and by virtue of the laws of the State of California, is hereby authorized to maintain their railroad track and wharves, in the County of Humboldt, running from a point where the margin of the salt marsh joins upon the upland, across said marsh, over the flats in Humboldt Bay, to and along the ship channel in said bay; *provided*, that such wharf shall not obstruct navigation in any portion of said ship channel; *and provided*, said Transportation Company shall charge for the use of such wharf such fees, for wharfrage only, as may be fixed and regulated, from time to time, by the Board of Supervisors of said Humboldt County.

SEC. 2. The State of California hereby grants to the said Arcata Transportation Company the use of fifty feet in width of the salt marsh and overflowed lands on which said wharf is built, for the term of its existence.

SEC. 3. If said Arcata Transportation Company shall reincorporate, then the rights hereby granted may be conveyed to such reincorporated company, and continue for twenty years from and after the passage of this Act.

CHAP. CCCXLVII.—*An Act to protect irrigation and to make water rights responsible for expenses incurred on irrigating ditches, in San Bernardino County.*

[Approved March 25, 1876.]

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

"Time-
keeper."

SECTION 1. Whenever a majority of the shareholders in any irrigating ditch in San Bernardino County shall deem it necessary, they shall employ a suitable person, who shall be styled a "Time-keeper," whose duty shall be (under the supervision of the Overseer of said ditch) to see that the water thereof is not unlawfully taken or diverted therefrom.

SEC. 2. Should the Time-keeper discover any person or persons so unlawfully taking or diverting the water from such ditch, he shall forthwith notify the shareholder or holders who were at such time entitled to the use of said water, and upon an action being had in any Court against such person or persons so unlawfully taking or diverting said water, he shall act as prosecuting witness.

SEC. 3. The salary of said "Time-keeper" shall be assessed to all the shareholders in the ditch, each paying an equal sum, and shall be collected by the Time-keeper at the expiration of each month of his service. Salary, how paid.

SEC. 4. Should any shareholder neglect or refuse to pay such sum assessed to him at the expiration of each month, when called upon to do so, the "Time-keeper" may (under the provisions of the Political Code made for the collection of delinquent taxes) sell so much of said shareholder's water-time as shall be necessary to pay such sum due, and expense of collecting the same. Refusal of shareholder to pay.

SEC. 5. The Overseers of the irrigating ditches from the upper dam in the Town of San Bernardino shall, during the month of February or March in each year, advertise daily, for at least ten days, in some newspaper published in said town, for proposals to perform the necessary work and repairs on said ditches for the season, and shall award contracts to the lowest responsible bidders, reserving the right to reject any or all bids, and they may, at their option, require bonds to be given for the fulfillment of said contracts. Work and repairs.

SEC. 6. The amount of said contracts, with expense of advertising, and salary of the Overseers, at two dollars per day for the time necessarily employed, shall be assessed to all the shareholders of each respective ditch pro rata, and shall be collected by the Overseers. Expenses, how paid.

SEC. 7. Should any shareholder refuse or neglect to pay such amount assessed to him when called upon by the Overseer to do so, then he shall (under the provisions of the Political Code for the collection of delinquent taxes) sell so much of such shareholder's water-time as shall be necessary to pay such amount due, and expense of collection. Collection of same.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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

CHAP. CCCXLVIII.—*An Act to authorize Grant I. Taggart, former County Recorder of Shasta County, to certify and sign certain records.*

[Approved March 25, 1876.]

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

SECTION 1. Grant I. Taggart, former County Clerk and ex officio Recorder of Shasta County, is hereby authorized to certify and sign, under the direction and with the approval of William H. Bickford, the present County Clerk and Recorder of Shasta County, all records of instruments entered upon the records of said Recorder's office during his term of office as Recorder of said county, which he may have omitted to so sign or certify; and the said records shall be as legal Authority to sign records granted.

and binding for all purposes whatever as if signed during his regular term of office.

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

CHAP. CCCXLIX.—*An Act supplementary to an Act entitled "An Act to provide for the relief and maintenance of the dependent poor and indigent sick of Humboldt County," approved February eleventh, eighteen hundred and seventy-six.*

[Approved March 27, 1876.]

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

Supervisors
to transfer
certain
funds.

SECTION 1. The Board of Supervisors of Humboldt County are hereby authorized to transfer from the General County Fund of said county, in addition to the sum authorized to be transferred from said fund by the Act to which this is supplementary, to the "Almshouse and Hospital Fund" a sum not exceeding three thousand dollars, out of which sum the said Board of Supervisors are hereby authorized to pay the outstanding indebtedness against the Indigent Sick Fund of said county now outstanding; *provided*, that such transfer shall not in any manner keep claimants against said "General County Fund" out of their just demands, as the same would have become due and payable had this Act not come into effect.

Repeal

SEC. 2. So much of an Act entitled "An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof," approved April first, eighteen hundred and seventy, which provides for the levy and collection of a tax for the care and maintenance of the indigent sick of said county, is hereby repealed.

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

CHAP. CCCL.—*An Act to fix the compensation of the Supervisors of San Bernardino County.*

[Approved March 27, 1876.]

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

Per diem
and mileage.

SECTION 1. The Supervisors of San Bernardino County, for all services required of them by law or by virtue of their office, shall receive each five dollars per diem, when in session, and twenty cents per mile traveled from their place of

residence to the Court-house; *provided*, that only one mileage shall be allowed at each term, and the compensation during any one year, including mileage, shall not exceed in the aggregate, to any member of the Board, the amount of three hundred dollars.

SEC. 2. All Act and parts of Acts in conflict with this Act (so far as San Bernardino County is concerned), are hereby repealed.

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

CHAP. CCCLI.—*An Act providing for the refunding of certain bonded indebtedness of the County of Santa Clara.*

[Approved March 27, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue, ^{Supervisors to issue bonds.} on behalf of said county, bonds not exceeding in the aggregate the sum of one hundred thousand dollars, for the purposes hereinafter named in this Act. Such bonds shall bear interest at a rate not exceeding nine per cent. per annum; shall be of the denomination of five hundred dollars each; shall have coupons for interest attached, and shall be made payable on or before the first day of July, A. D. eighteen hundred and ninety, at the office of the Treasurer of said county. The interest on said bonds shall be paid by said Treasurer semi-annually at his said office on the first day of July and on the first day of January of each year, on presentation of the coupons attached to said bonds therefor. ^{Interest.} Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of the County Court of said county. Each of said bonds shall substantially state and purport that said County of Santa Clara owes to the holder of such bond the sum of five hundred dollars in gold coin, payable and bearing interest at a rate to be fixed and specified therein, not exceeding the rate of nine per cent. per annum, as aforesaid, and the principal and interest of said bonds shall be payable in gold coin of the United States of America.

SEC. 2. There shall be attached to said bonds coupons for interest, which shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and when any interest shall be paid on any of the bonds issued by authority of this Act, the coupons due and paid shall be delivered to the County Treasurer of said county, who shall write the word "Canceled" across the face thereof, and deliver the same to the County Auditor of said county, taking his receipt therefor. The said Auditor shall then mark ^{Coupons}

“paid” on the duplicate register of bonds in his office the coupons so delivered to him by said Treasurer, and when any of said bonds shall be redeemed by said Treasurer they shall be delivered to said Auditor, who shall receipt to the Treasurer for the same, and the same shall be marked “paid” upon the copies of said register in the offices of said Auditor and said Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to said Board of Supervisors at their next meeting thereafter.

Clerk to
keep record
of bonds.

SEC. 3. The County Clerk of the County of Santa Clara shall keep a register, showing the date and number of every bond issued; the number of each coupon; when each bond and coupon is payable; the name of the person to whom said bond is issued, and when such bonds are sold, the amount realized from the sale thereof. It shall be the duty of said County Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor and one to the Treasurer of said county, and the same shall be kept by them in their respective offices for public inspection.

Sale of
bonds.

SEC. 4. The bonds, or any part thereof hereby authorized to be issued, shall be sold under the direction of the Board of Supervisors of Santa Clara County, to the person or persons who will pay the highest price therefor; *provided*, that the said bonds, nor any part thereof, shall not be sold for less than par value. The Board of Supervisors shall give public notice of the sale of such bonds by advertisement of not less than twenty days, in which notice shall be stated the time and place of sale. The proposals to purchase shall be sealed, and shall be opened at the time and place named in said notice, by the President of said Board of Supervisors. The purchasers whose bids shall be accepted shall pay into the county treasury of said county the amount bid by them, at such time as said Board of Supervisors shall designate, and said Treasurer shall receipt for the same; and such purchaser shall, upon the delivery of such receipts to the County Clerk, be entitled to receive the bonds purchased by them. The bonds so issued shall bear interest from the date of the payment of the purchase money therefor. The said receipts shall be copied into the registers required to be kept by the last preceding section.

Proceeds,
how used.

SEC. 5. The Board of Supervisors of the County of Santa Clara are hereby authorized and required to use and appropriate the money realized from the sale of the bonds issued by authority of this Act, to redeem, pay, and discharge all the outstanding bonds heretofore issued under and by authority of an Act entitled “An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto,” approved April ninth, one thousand eight hundred and sixty-one, and no part of the money realized from

the sale of bonds issued by authority of this Act shall be used for any other purpose than that herein specified.

SEC. 6. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to levy annually, at the time and in the manner prescribed for levying general State and county taxes, a tax not exceeding six cents on each one hundred dollars of the assessed valuation of the property in said county. The money arising from such tax shall be set apart by the Treasurer of said county for the purpose of paying the principal and interest of the bonds issued by authority of this Act. The said fund shall be known as the "Redemption Bond Fund of Santa Clara County," and the said Treasurer shall pay therefrom the interest on said bonds as the same becomes due. Any balance remaining in said fund on the first day of January of each and every year thereafter shall be used by said Treasurer for the redemption of said bonds. No less than five thousand nor more than ten thousand dollars of said bonds shall be redeemed per annum.

Redemption tax.

SEC. 7. The said County Treasurer, whenever there shall be any money in said fund for the redemption of such bonds, shall give notice, by advertisement, in some newspaper printed and published in said County of Santa Clara, for at least two weeks, that he will redeem the said bonds. The said notice shall state the amount of bonds to be redeemed, and the time and place for receiving bids for the redemption thereof. All bids received for the redemption of such bonds shall be opened at the time and place mentioned in said notice, in the presence of the President of the Board of Supervisors of said county, who, in conjunction with said Treasurer, is hereby authorized to accept and award such bids. Said Treasurer and President of the Board of Supervisors shall accept only such bids as shall cancel the greatest amount of said bonds. No bonds shall be redeemed at greater rate than one hundred cents on the dollar. In the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the time appointed for opening proposals therefor, it shall be the duty of said Treasurer to give notice, by advertisement, in some newspaper printed in said county, that he is prepared to redeem certain of said bonds, which shall be designated in said notice by number and date of the issuance thereof, which said notice shall be published not less than ten days. The interest on such bonds, so advertised, shall cease from and after the expiration of ten days from the first publication of said notice. All bonds paid by said Treasurer shall be marked "Canceled," and shall be surrendered to the Board of Supervisors of said county.

Treasurer to give notice of redemption.

SEC. 8. The County Clerk of said county and the President of the Board of Supervisors thereof, shall receive such compensation for the services required of them by this Act as the Board of Supervisors of said county shall allow, and no other compensation shall be allowed or paid to any other officer named in this Act for the services herein required; provided, however, that said Board of Supervisors may allow

Compensation of officers.

to the County Treasurer a compensation for the services required of him by this Act, not exceeding in amount one-fourth of one per cent. upon the amount realized by the sale of said bonds.

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

CHAP. CCCLII.—*An Act to provide for the payment of the debt due upon the Road Fund of Butte County.*

[Approved March 27, 1876.]

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

Outstanding warrants.

SECTION 1. All the warrants heretofore drawn by the several Road Overseers upon the special funds of their several districts, and which are now outstanding, shall be consolidated into one general indebtedness against the County of Butte, and shall be known as "The Road Fund Debt." Said warrants shall not bear interest.

Special tax to pay same.

SEC. 2. It shall be the duty of the Board of Supervisors of Butte County, at their regular meeting for levying the taxes upon the property returned upon the assessment list for the year eighteen hundred and seventy-six, to levy a special tax upon the assessed property of the county of twelve cents upon each one hundred dollars of assessed valuation; which said tax shall be collected, and which, when collected, shall be paid into the county treasury as a special fund for the redemption of the "Road Fund Debt;" and it shall be the duty of the County Treasurer, from the moneys collected from said special tax, to pay all outstanding warrants drawn by the several Road Overseers prior to the passage of this Act upon the funds of the several districts, in the order in which they have been presented for payment and indorsed "not paid."

Surplus moneys.

SEC. 3. In case there should be any surplus remaining in said Road Fund after the payment of the whole of the Road Fund debt, such surplus shall be transferred by the Treasurer to the General Road Fund of the county.

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

CHAP. CCCLIII.—*An Act to repeal an Act entitled an Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties, approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 27, 1876.]

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

SECTION 1. An Act entitled an Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties, approved March twenty-seventh, eighteen hundred and seventy-four, is hereby repealed. Act repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLIV.—*An Act to reorganize the Board of Supervisors of San Luis Obispo County, and to provide for the election of the same.*

[Approved March 27, 1876.]

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

SECTION 1. The Board of Supervisors of San Luis Obispo County shall consist of five (5) members, who shall be elected from the county at large, and shall hold their terms of office for three years, or until their successors have been elected and qualified. Board to consist of five members.

SEC. 2. At a special election to be held on the second Monday in May, in the year (1876) eighteen hundred and seventy-six, there shall be elected, from the electors of the said county at large, five (5) Supervisors, one of whom shall hold his term of office for one (1) year, two shall hold their terms of office for two (2) years, and two shall hold their terms of office for three (3) years, and they shall take their seats as members of the said Board within sixty (60) days from and after the day of the election aforesaid; *provided*, that each of the members of the said Board shall hold his term of office until his successor shall have been elected and qualified. Special election for Supervisors.

SEC. 3. The members of the said Board shall, at their first meeting after the said election, determine by lot which of their number shall serve for one year; which of their number shall serve for two years; and the member so chosen for one year shall be Chairman of the said Board during his term of office. At the expiration of the term of office of the Chairman of said Board, the Supervisor holding the oldest commission shall be Chairman of the said Board; and when two commissions expire at the same time, the Board must elect a Chairman from those of its members holding the oldest commission. Terms.

Same. SEC. 4. At the general election, immediately preceding the second Monday in May, in the year in which the term of any of the members of the said Board shall expire, there shall be elected, from the electors of the county at large, a Supervisor to each term of such members of said Board that shall expire on said second Monday in May.

Vacancies. SEC. 5. Whenever a vacancy occurs in the Board of Supervisors, from failure to elect or otherwise, the remaining members of said Board shall, within sixty days from the time of such vacancy, appoint a day for the election, from the electors of the county at large, of a person to fill any such vacancy.

SEC. 6. The members of the present Board of Supervisors shall hold their offices until the members elected in accordance with the provisions of this Act shall have been elected and qualified; *provided*, that if, at the special election provided for in section two of this Act, there shall be a failure to elect any one of the members of Supervisors provided for in the said section, a majority of the whole number, if so elected, may constitute a quorum, and transact the necessary business of the said Board, and they must provide for the election of persons to fill any vacancies, in accordance with section five of this Act.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they affect San Luis Obispo County, are hereby repealed.

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

CHAP. CCCLV.—*An Act to create a special road district in the County of Santa Barbara and to provide a road fund for said district.*

[Approved March 27, 1876.]

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

Special road district. SECTION 1. The First and Second Supervisor Districts of the County of Santa Barbara shall constitute a special road district of said county for the purposes of this Act, to be entitled "The Santa Barbara Road District," and the City of Santa Barbara shall be deemed a portion of said district.

Commissioners. SEC. 2. The Supervisors of the First and Second Supervisor Districts of said county and the Mayor of the City of Santa Barbara shall ex officio constitute a Board of Commissioners for the purposes of this Act, to be entitled the "Board of Commissioners of the Santa Barbara Road District."

Supervisors to levy special tax. SEC. 3. The Board of Supervisors of the County of Santa Barbara are empowered and required, at the time of levying the county taxes for the fiscal year eighteen hundred and seventy-six-seven (1876-7), in addition to the general taxes, to levy a special tax on all of the taxable property within said

“Santa Barbara Road District,” as said property appears assessed upon the assessment roll of said Santa Barbara Road District for the fiscal years eighteen hundred and seventy-six-seven (1876-7) which shall in their judgment be sufficient to obtain the amount of twenty thousand dollars; and at the time of levying the county taxes for the fiscal years eighteen hundred and seventy-seven-eight (1877-8) to levy upon said property, in said road district, a special tax sufficient to obtain the amount of thirty thousand dollars, and such further amount as may be required to complete the previous amount of twenty thousand dollars, in case such sum has not been obtained from such tax. All taxes collected under the provisions of this section shall be paid into the county treasury, and must be by the Treasurer set apart as a special fund to be known as the “Santa Barbara District Road Fund;” and in case the sum of fifty thousand dollars shall not be obtained from said special taxes, the Treasurer must transfer from the General Fund of the county an amount sufficient to make up the deficiency.

SEC. 4. Said “Santa Barbara District Road Fund” shall be used and expended by said Board of Commissioners, and they are hereby authorized and empowered to use and expend the same in laying out, constructing, grading, and improving public highways in said Santa Barbara Road District, leading into and from the City of Santa Barbara, as soon as practicable after the passage of this Act.

Funds, how applied.

SEC. 5. For the purposes of this Act the Board of Commissioners of the Santa Barbara Road District are hereby vested with all the powers of the Board of Supervisors of the county in reference to the laying out, altering, and discontinuing of roads and the condemnation of property for road purposes in said road district, and shall be guided and controlled in their action in the matter by the laws prescribing the duties of the Board of Supervisors.

Powers of Commissioners.

SEC. 6. The Board of Commissioners are authorized and empowered to elect a President of the Board; to prescribe the times and places of meeting of the Board, and to select a competent engineer, under whose direction and supervision said roads shall be laid out and constructed; to draw warrants upon said Road Fund for moneys expended in the performance of their duties as such Board of Commissioners, and to increase said Road Fund by voluntary contributions, or otherwise. The Clerk of the Board of Supervisors shall act as Clerk of the Board of Commissioners.

SEC. 7. The warrants upon said Road Fund shall be signed by the Chairman of the Board of Commissioners and countersigned by the Clerk. In no case shall warrants be drawn to exceed, with the interest, the sum of fifty thousand dollars, or such further sum as may have been placed in said Road Fund by voluntary contributions, and otherwise. Warrants presented to the Treasurer and not paid for want of funds, shall bear interest from the time of presentment until notice of redemption, at the rate of one per cent. per month. It shall be the duty of the Treasurer, immediately upon his receiving to the credit of said Road Fund money sufficient

Warrants on Road Fund.

to pay one or more interest-bearing warrants, to give notice, by publication in a daily newspaper published in the City of Santa Barbara, that he is ready to redeem said warrant or warrants in the order of their issuance, specifying the same, and interest on the same shall cease from date of said notice.

Assessor and
Collector.

SEC. 8. An Assessor and Tax Collector, in and for said Santa Barbara Road District, shall be elected by the qualified electors of said district, at an election to be held at the various county polling-places in said district, on the first day of June, eighteen hundred and seventy-six (1876); said election to be called, conducted, and returns thereof made in the same manner as provided by law for the election of county officers. Said Assessor and Tax Collector shall qualify in the same manner as the County Assessor and Tax Collector, and they shall hold office until the first Monday of March, eighteen hundred and seventy-eight (1878).

SEC. 9. The assessment of property within said Santa Barbara Road District shall be made, and the taxes herein provided for collected, in the same manner as the county assessment is made and county taxes collected, and the County Assessor and County Tax Collector are eligible to the offices of Assessor and Tax Collector of the Santa Barbara Road District.

Salaries.

SEC. 10. The Commissioners provided for in this Act shall receive, for their services as such, the same remuneration received by the Supervisors of the county. The compensation of the Assessor and Collector of the district, and the Clerk of the Board of Commissioners, and of the County Treasurer for his increased duties, shall be fixed by the Board of Supervisors of the county. The salary of the engineer selected by the Board of Commissioners shall be fixed by said Board of Commissioners.

SEC. 11. This Act shall not be construed as to change or in any manner affect the established road districts, or the apportionment of the General Road Fund of the county.

SEC. 12. This Act shall take effect immediately.

CHAP. CCCLVI.—*An Act for the appointment of Inspector of Stationary Steam-boilers and Steam-tanks, and for the better security of life and property in the City and County of San Francisco.*

[Approved March 27, 1876.]

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

Supervisors
to appoint
Inspector.

SECTION 1. There shall be appointed by the Board of Supervisors of the City and County of San Francisco, on the first Monday in May, eighteen hundred and seventy-six, or as soon thereafter as practicable, one Inspector of Steam-boilers and Steam-tanks, who shall hold office for the term of two years. The term Inspector, hereafter in this Act used,

shall mean Inspector of Steam-boilers and Tanks for the City and County of San Francisco.

SEC. 2. The Inspector shall have, at the time of his appointment, a Chief Engineer's certificate from United States Inspectors. Qualification.

SEC. 3. The Inspector shall, upon application in writing of any owner or owners, inspect all stationary boilers and steam-tanks used within the City and County of San Francisco, for generating steam to drive or work machinery, and, at least once in every year thereafter, he shall subject all boilers to the hydrostatic pressure, and shall satisfy himself, by thorough examination, that such boilers and tanks are well made, and of good and suitable material; that the arrangement for delivering the feed water is such that the boilers cannot be injured thereby, and that such boilers and machinery and the appurtenances may be safely employed in the service proposed in the written application without peril to life or property. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the Inspector shall assume one hundred and twenty pounds to the square inch as the maximum pressure allowable, as the working power for a new boiler of forty-two inches diameter, made in the best manner of inspected American plates, are [one] fourth of an inch thick, and of a quality required by the law governing United States Inspectors of Boilers; and shall rate the working power of all high-pressure boilers, whether old or new, according to their strength, compared with this standard, and in all cases the test applied shall not exceed the working power allowed in the ratio of one hundred and eighty pounds test pressure to one hundred and twenty pounds to the square inch working pressure. Should the Inspector be of the opinion that any boiler, by reason of its material or construction, will not safely allow so high a working pressure as is above described, he may, for reasons to be stated specially in his certificate, fix the working pressure of such boiler as he in his discretion may deem proper; *provided*, that the pressure so fixed shall not exceed two-thirds of the test pressure. Duties of Inspector.

SEC. 4. Every boiler shall be provided with a good, well-constructed safety valve or valves, and shall also be provided with a sufficient number of gauge-cocks. The Inspector shall license and classify engineers of stationary engines. It shall be unlawful to employ any person, or for any person to serve as engineer of any stationary engine, who is not licensed by the Inspector; and any one who violates this section shall be guilty of a misdemeanor, and each day of such employment or service shall constitute a new offense. Inspector to license engineers.

SEC. 5. Every engineer who receives a license shall, before entering upon his duties, make oath before the Inspector, to be recorded with his certificate, that he will faithfully and honestly, according to his best skill and ability, perform all the duties required of him by law. Misdemeanor.

SEC. 6. If any licensed engineer shall refuse at any time to admit into his engine-room any person whom the owner

may desire to place there for the purpose of learning the profession of engineer, his license shall be revoked upon proof, satisfactory to the Inspector, of such refusal.

Inspector's
focs.

SEC. 7. The Inspector shall receive the sum of three dollars for every stationary boiler or tank so inspected by him, the sum to be paid by the person or persons, firm or company having the boiler in use; and for each engineer licensed the Inspector shall receive from the person so licensed the sum of two dollars.

Inspector to
notify own-
ers of steam-
boilers to
report.

SEC. 8. Within fifteen days after his appointment and qualification, the first Inspector appointed under the provisions of this Act shall publish or cause to be published once a week for at least four weeks, in at least three daily newspapers printed and published in the City and County of San Francisco, a notice of his appointment, and requiring all persons owning or using any stationary steam-boiler or tank, situate within the said city and county, to report to him in writing the location of any and all such boilers or tanks owned or in use by him or them, and the business or purpose for which such boilers or tanks are used; and all such owners or users shall, within thirty days after the publication of said notice, make the report provided for in this section; and any person intending to erect or use any steam-boiler or tank shall in like manner, and without notice, report to the Inspector the location and purpose of such steam-boiler or tank, so that the same may be inspected before being used. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Bond of
Inspector.

SEC. 9. The Inspector shall give bonds in the sum of ten thousand dollars, with security to be approved by the Judge of the County Court of the City and County of San Francisco, and the said Inspector shall, by the Judge of said Court, be duly sworn or affirmed to perform the duties of his office, and that he will not accept any money, gift, gratuity, or consideration whatever, from any person or persons whomsoever, during his term of office, except such as shall be prescribed in this Act; and upon conviction of violation of such oath or affirmation before any Court of competent jurisdiction, he shall be subject to a fine not exceeding two thousand dollars, and to undergo an imprisonment in the County Jail of said city and county not exceeding one year, both or either, at the discretion of the Court.

SEC. 10. The Inspector shall provide all requisite apparatus, machinery, and stationery for carrying this Act into effect, to be approved by the Board of Supervisors, and paid for by the Inspector out of the moneys received by him for inspection and licenses.

Penalties
and for-
feitures.

SEC. 11. The penalties and forfeitures which may be incurred for offenses against this Act may be sued for, prosecuted, and recovered by action, to be brought in any Court of competent jurisdiction by the Inspector, in the name of the people of the State of California, and the moneys collected in such action, less the costs and expenses incurred in the prosecution of such action, shall be paid over to the Treas-

urer of the City and County of San Francisco, and into the General Fund thereof.

SEC. 12. This Act shall take effect on and after the first Monday in May, eighteen hundred and seventy-six.

CHAP. CCCLVII.—*An Act to authorize the City Council of the City of Oakland, Alameda County, to grant certain privileges to the Alameda, Oakland, and Piedmont Railroad Company.*

[Approved March 27, 1876.]

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

SECTION 1. The City Council of the City of Oakland, Alameda County, State of California, are hereby authorized and empowered to grant to the Alameda, Oakland, and Piedmont Railroad Company the right or privilege to lay down a single track railway in such part of the roadway of Broadway Street, in said city, as the Council may direct, from the terminus of their present franchise, at the junction of Fourth Street and Broadway, to the junction of Seventh Street and Broadway, to run cars, drawn by horses, thereon, and to construct and maintain all proper and necessary switches and turning-tables, to be constructed under the supervision of said Council; *provided, however,* that such right or privilege is not to be granted, unless such City Council shall believe it to be for the best interest of the public, and that rights of individuals will not be impaired thereby.

Granting right to lay track.

CHAP. CCCLVIII.—*An Act to amend an Act entitled an Act authorizing certain persons to improve a portion of King's River, and to erect booms thereon, approved March eighteenth, eighteen hundred and seventy-two.*

[Approved March 27, 1876.]

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

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. Jesse Morrow, Elias Jacob, and John Southerland, their associates and assigns, are hereby authorized and empowered, at their own expense, to improve that portion of King's River, in the County of Fresno, lying and being between the confluence of the middle fork of said river and a point in King's River where the township line between township thirteen and fourteen south crosses said river, by removing therefrom all obstructions to the use of said river for floating timber, lumber, saw-logs, and wood down the same. The improvements of said river must be

Franchise granted.

commenced within one year, and completed within two years from the date of the passage of this Act, and said parties shall, within said period, expend in the work of improving and making said river available and practicable for the uses and purposes aforesaid, a sum not less than fifteen thousand dollars, in gold coin.

Sum to be expended.

Construction of booms.

SEC. 2. Section two of said Act is hereby amended so as to read as follows: Section 2. After the completion of the improvements of said river, mentioned in section one herein, it shall be lawful for the persons making such improvements to erect upon said river, at such points and in such manner as shall not prevent the use of the waters of said river for mechanical, irrigating, or milling purposes, or in any way interfere with or diminish the flow of water into the canals already constructed, or prevent the free use of the land lying on the margin thereof, and not lower down than that point in King's River where the township line between township thirteen and fourteen crosses said river, in said county, a boom or booms for the purposes of securing the wood, lumber, and timber being floated down said stream, and to maintain such boom or booms for the period of twenty years, and during such period to charge and collect, demand and receive, as toll and compensation for the use of said river, from each and every person and corporation using the same, at such rate per thousand feet of lumber or timber, board measurement, and per cord of wood, as the Board of Supervisors of the County of Fresno shall fix and determine from time to time, from and after the improvements have been made in King's River as provided in the provisions of this Act.

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

CHAP. CCCLIX.—*An Act to modify the grades of certain streets in the City and County of San Francisco.*

[Approved March 27, 1876.]

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

Grades modified.

SECTION 1. The grades of the several street crossings hereinafter named are hereby established at the following number of feet above base, to wit: The crossing of Ellis and Octavia Streets, at one hundred and sixty-eight feet; the crossing of Ellis and Laguna Streets, at one hundred and thirty-two feet; the crossings of Ellis and Buchanan, and Eddy and Laguna Streets, at one hundred and twelve feet; and the crossing of Eddy and Buchanan Streets, at one hundred and four feet; and the grades of the said streets in front of the several blocks cornering on said crossings are hereby made to conform thereto.

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

CHAP. CCCLX.—*An Act to provide for the redemption of the outstanding railroad bonds of Butte County.*

[Approved March 27, 1876.]

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

SECTION 1. Whenever the Railroad Bond Redemption Fund of Butte County shall amount to one thousand dollars, or more, the County Treasurer shall give notice for the space of thirty days, by advertising in one or more newspapers published in said county, of his readiness to pay and redeem the outstanding railroad bonds of said county by designated numbers of the same, and the time and place of payment; and in case that said designated bonds are not presented for payment and redemption as required by said notice, then and thereafter such bonds shall bear no interest; and thereupon the said County Treasurer shall apply said fund, or the balance thereof, to the payment of the bond next entitled to precedence in the order of the numbers of their issue, in case the same shall be presented for payment. Treasurer to redeem bonds.

SEC. 2. The mode and manner for redeeming and paying said bonds provided for in this Act shall be continued from time to time as long as there are moneys in said redemption fund, and until the whole of said bonds are finally redeemed and paid.

SEC. 3. Whenever any bond is paid and redeemed under the provisions of this Act, the said County Treasurer shall then and there, in the presence of the Auditor of said county, cancel the same, together with all coupons thereto attached, by writing across the face of said bond and coupons attached the word "Paid" and the date of payment. Cancellation.

SEC. 4. Railroad bond number forty-eight, belonging to the School Fund of Butte County, is hereby excepted from the provisions of this Act. Bond excepted.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCCLXI.—*An Act to authorize the City and County of San Francisco to provide and maintain public water-works for said city and county, and to condemn and purchase private property for that purpose.*

[Approved March 27, 1876.]

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

SECTION 1. The Mayor, District Attorney, and the Auditor of the City and County of San Francisco, are hereby author- Commissioners to supply water.

ized to act as a Board of Commissioners, with the power and authority to acquire, by purchase or otherwise, for the City and County of San Francisco, as provided for in this Act, a sufficient supply of pure fresh water for the use of the inhabitants of said city and county.

Engineer.

SEC. 2. Said Commissioners shall have the right to employ a competent, disinterested engineer, who shall be one of the Corps of Engineers of the United States army stationed in San Francisco, or, if the officers of said corps cannot serve, a competent, disinterested engineer, who, together with said Commissioners, shall proceed immediately to make a careful and thorough examination of all the water, water rights, water-works, appurtenances, and sources of water supply on the peninsula of San Francisco, or wherever convenient to supply San Francisco with water, after which said Commission shall enter into negotiation with the owners and claimants of any such water, water rights, water-works, sources of supply, land, and appurtenances, deemed by them requisite and necessary, and may purchase of such owners and claimants any and all such rights and property, at such a fair and equitable valuation as may be agreed upon between them, when ratified and confirmed by a majority of the votes cast at the election hereinafter provided; *provided*, that no water, water-works, or water rights in the Counties of Nevada, Santa Clara, Placer, Alameda, El Dorado, Tulare, or Kern, shall be subject to condemnation under the provisions of this Act.

Commissioners to examine sources of supply.

Purchase of same.

Counties excepted.

When failure to agree upon terms.

Special Commission.

Commissioners to be disinterested.

SEC. 3. If a majority of said Commissioners should fail to agree upon the amount to be paid to the owners and claimants of said water, water rights, water-works, sources of supply, and land and appurtenances necessary and requisite, or any part thereof, then, in that event, the Mayor, Auditor, and District Attorney may each appoint one competent and disinterested citizen, tax-payer of the City and County of San Francisco, to be approved by the Board of Supervisors, to represent said city and county; and the owners and claimants of the rights and property sought to be acquired by this Act shall have the right to appoint three competent and disinterested citizens, tax-payers of the State; and the Judge of the County Court of said city and county shall appoint a seventh, having like qualifications; and the seven citizens shall constitute said Commission, with full power to assess the value and the amount to be paid to the party and parties entitled thereto, for all the rights and property acquired and to be acquired under this Act; and the consent of at least five of said seven Commissioners shall be signed to the award.

SEC. 4. Each Commissioner, in addition to his oath of office, shall swear that he is entirely disinterested, and unconnected with any one who is interested in the subject-matter for which he is appointed; and that he will perform the duties of said Commission without fear, favor, or partiality, and, to the best of his ability, will report the true value of the rights, property, and privileges to be acquired

under this Act; and that he will do equal and exact justice to the whole subject and matter committed to him.

SEC. 5. Said last-mentioned Commissioners shall, in case of their appointment, immediately organize, select a suitable place for meetings, and proceed at once, together with the engineer heretofore provided for, to examine carefully all the rights, property, and privileges sought to be acquired by this Act. They shall have the power to summon witnesses, take testimony, and obtain all the information necessary to enlighten them in the matter submitted to them. They may employ a short-hand reporter, and have all the testimony taken written out. They may call upon the City and County Attorney to aid them, if necessary, in their proceedings. Should the owners or claimants of any of the rights or property sought to be acquired and appropriated to the public use, under the provisions of this Act, refuse or neglect to appoint three Commissioners on their behalf within twenty days after having been requested in writing, by the Mayor, so to do, then the four Commissioners, as before provided for, shall proceed in all things as required of the seven, and the majority of said Commissioners must agree upon and sign their report. The Commissioners shall transmit, with their report, a copy of all the evidence and proof taken by them in the course of the discharge of their duties as Commissioners, and file the same with the County Clerk within three months from and after their appointment; and such report shall be binding on and conclusive as to all parties in interest, unless set aside for actual fraud, in which case the Judge of said County Court can modify said report, or appoint new Commissioners, and direct them to proceed as provided in sections three and five of this Act. The Commissioners and engineer shall be paid such just compensation, together with necessary expenses, as the Supervisors of said city and county shall deem proper; and the Treasurer of said city and county shall pay out of the General Fund the amount so awarded by the Supervisors of said city and county.

SEC. 6. In order to raise means necessary to carry into effect the provisions of this Act, the Board of Supervisors of said city and county shall be and they are hereby authorized to issue bonds of said city and county. Said bonds shall be issued in sums of one thousand dollars each, with coupons for interest, and shall draw interest at the rate of six per cent. per annum from the date thereof; and the principal shall be made payable at a specified day, to be named in said bonds, which shall be thirty years after their date, at the office of the Treasurer of said city and county, both principal and interest payable in gold coin of the United States. The interest on said bonds shall be payable semi-annually, on the first day of January and the first day of July of each year, at said Treasurer's office.

SEC. 7. Said bonds shall be signed by the Mayor and Auditor of said city and county, and registered in numerical order in books kept for that purpose by the Auditor and Treasurer of said city and county respectively, and when so

Powers of
special Com-
missioners.

Report.

Compensa-
tion.

Supervisors
to issue
bonds.

Interest.

Register of
bonds.

signed, shall be presented by the Mayor to the Clerk of the Board of Supervisors of said city and county, who shall, in the presence of the Mayor, countersign the same as such Clerk, impress the corporate seal of said city and county on each, and redeliver them to the Mayor, who shall thereupon report to said Board of Supervisors, at a meeting thereof, the number, date, and amount of each bond so signed and countersigned, which report shall be entered upon the journals of said Board as said bonds shall be issued or disposed of, in the order in which the same shall be numbered.

Bonds to be offered in payment.

SEC. 8. Said bonds, or the portion thereof necessary to purchase and pay for the rights acquired under this Act, shall be issued to the party or parties entitled thereto, as a majority vote of the Board of Supervisors may direct, and be delivered by the Mayor to the owner and owners of all the rights acquired, and a good and sufficient deed of the rights so acquired shall be conveyed to the city, to be approved of by the City and County Attorney, and recorded in the office of the County Recorder. If the owner or owners of the rights to be acquired should decline to accept the bonds of said city, the Mayor shall have the right to dispose of so many bonds as will be necessary to pay for the rights to be acquired, under such restrictions as the Board of Supervisors may adopt.

Refusal of owners to accept.

Water rates to be fixed

SEC. 9. The Board of Supervisors of said city and county shall, by order, after the purchase of such water rights and privileges, from time to time fix the rates to be paid by consumers of water, which rates shall not exceed an amount sufficient to pay interest on the cost of acquiring the real estate, water, water rights, and property hereby authorized to be acquired, and also interest on the cost of laying down mains and buildings, reservoirs, and also the actual amount for keeping the same in repair and maintaining a complete system of water-works.

Receipts, how applied.

SEC. 10. The money acquired from the consumers of the water shall be kept in a separate fund by the County Treasurer, devoted exclusively to the paying of the interest of the bonds and necessary expenses of maintaining the water-works, and to be called the "Water, Interest, and Expense Fund;" and no taxes for the Sinking Fund shall be levied until ten years from and after the time of the issuance of said bonds, when the Board of Supervisors shall then regulate the rates to be charged consumers of water so far as to create annually a Sinking Fund to liquidate the said bonds; and all the money in the Water Fund shall be applied, by the Treasurer, to the purposes of this Act:

First—To the payment of the interest on said bonds as the same shall fall due.

Second—To the redemption of said bonds as hereinbefore provided for.

When fund insufficient, tax to be levied

Said bonds shall, until paid, be a lien upon all the real estate, water, water rights, and property acquired under the provisions of this Act. In case the money in said fund shall at any time be insufficient to meet the payments herein provided for, the deficiency shall be raised by a tax upon the

real and personal property taxable in said city and county, to be assessed, levied, and collected at the time and in the manner provided for the assessing, levying, and collecting of other municipal taxes.

SEC. 11. The Mayor, to be confirmed by the Board of Supervisors of said city and county, shall have power to appoint three Water Commissioners, and to fix their compensation, who shall have full and complete management of the real estate, water, and water-works provided for and acquired under this Act, and who shall hold office for the term of four years and until their successors shall be appointed. Said Water Commissioners may appoint competent and reliable persons to supervise and carry into effect, to the best possible advantage to the inhabitants of the City and County of San Francisco, the provisions of this Act. They may fix the salary and term of office of such appointees, under such orders and resolutions as the Board of Supervisors of said city and county may from time to time adopt.

Mayor to appoint Water Commissioners.

Salaries to be fixed.

SEC. 12. The Board of Supervisors of said city and county may, by ordinance, after such purchase, pass such rules and regulations as, in their judgment, may be proper, to provide for the collection of water rates and water dues, and in case default be made in the payment of such water rates, to cut off the supply from consumers who shall make default in the payment thereof; to prevent any interference with the mains, reservoirs, sources of supply, and pipes of the water-works; to prevent any impure, deleterious, or foul matter from being dumped or thrown into any water-course or water supply connected with such water-works, or the conduct of any business, art, or trade which by drainage may injuriously affect the water supply, and to prevent the erection or maintenance of any nuisance that may affect the same.

Collection of water rates.

SEC. 13. Said City and County of San Francisco shall not be permitted to take possession, unless with consent of owner or owners, of any real estate, water, or water rights hereby authorized to be acquired, until the compensation agreed upon or determined, as hereinafter provided, shall have been paid, either to the person, persons, or corporation determined to be entitled thereto, or deposited with the Treasurer of said City and County of San Francisco, who shall hold the same subject to an order of the Judge of the County Court, to pay the amount so deposited to the party or parties entitled thereto.

When city may take possession.

SEC. 14. Said city and county is authorized to lay down and maintain mains and water-pipes in the peninsula, and in the streets and highways of said city and county, and do all things necessary to maintain and carry on a complete system of water-works. If any person or persons, company or corporation, shall bring water within the corporate limits of said city and county, such person or persons, company or corporation, shall have the right to lay down mains, pipes, maintain water-works, and supply the inhabitants of said city and county, conditioned that the person or persons, company or corporation, shall place all the streets in which such mains, pipes, and works are laid, in good order and condi-

City to lay down pipes.

tion, and comply with all the requirements and regulations in that particular of the Board of Supervisors.

Electors to
vote on
question of
purchase.

SEC. 15. Within thirty days after said Commissioners have agreed upon the amount to be paid for the rights acquired under the provisions of this Act, the Board of Supervisors of said city and county shall order a special election upon said question, to be held in said city and county, within a period of not less than thirty (30) days from and after the date of making such order. Said order shall be published in at least three of the daily newspapers in said city and county, for said period of thirty days, and shall state the time when said special election shall be held, and the question to be voted upon at such election. Said Board of Supervisors shall make all necessary provisions therefor. Said election shall be governed by and conducted under the general election laws of this State, so far as the same are applicable thereto. Said Board shall cause two sets of tickets, equal in numbers, to be printed with the following words, "The purchase of Water Rights"—Yes, on one set of tickets, and the words, "The purchase of Water Rights"—No, on the other set of tickets, and the majority of all the votes cast at such special election shall be final and conclusive upon the question; and if a majority of all the votes cast shall be against the proposed purchase of water rights, then no further proceedings shall be had under such proposed purchase, but said Commissioners shall have the right, and it shall be their duty to again proceed, under this Act, to negotiate, agree upon terms, and submit the same to the people; a sufficient number of said tickets shall be furnished at each polling-place in said city and county, by persons appointed for that purpose by the Board of Supervisors. The persons so appointed shall be required to remain in the vicinity of their respective polling-places from the opening to the closing of the polls, and shall be sworn to faithfully discharge the duties devolving upon them under this section. The failure of the first or any subsequent attempt to acquire property under this Act, for the purposes herein named, at any stage of the proceedings, shall not operate to extinguish the power of said city and county to acquire water rights, water-works, and property for the purposes, and in the mode and manner herein provided; but new proceedings may be had for the purposes, and in the mode and manner prescribed in this Act, and by the authorities herein provided, as often as may be necessary, until a sufficient supply of pure fresh water shall be secured for the use of the inhabitants of said city and county.

Form of
ballots.

If voters
reject, new
proceedings
to be had.

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

CHAP. CCCLXII.—*An Act to confer further powers upon the Superintendent of Public Streets, Highways, and Squares, of the City and County of San Francisco.*

[Approved March 28, 1876.]

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

SECTION 1. The owners of the majority of front feet in any block of the City and County of San Francisco may, within five days after the award of any contract for paving, sewerage, piling, and capping on such block, select and recommend in writing to the Superintendent of Public Streets, Highways, and Squares of said city and county, a competent person as Inspector, to superintend the construction or improvement of each and every sewer, and of piling and capping, or repiling and recapping, paving and repaving, and thereupon it shall be the duty of said Superintendent to appoint the person so selected as such Inspector; and the person so selected and appointed shall make oath before the said Superintendent to faithfully perform his duties as such Inspector. In case such owners shall fail or neglect, for the period of five days after the award of any contract, to select and recommend a person as Inspector as aforesaid, the said Superintendent shall appoint a competent person as such Inspector. It shall be the duty of such Inspector to remain on the work continuously during the performance thereof, and to see that the contract for any such work is strictly fulfilled in every respect, and in case of any departure from said contract, it shall be his duty to report the same to the said Superintendent of Public Streets, Highways, and Squares. The Inspector shall be allowed, for his time actually employed in the discharge of his duties, compensation not to exceed five dollars per day, to be paid by the contractor before the issuance of the assessment, and included therein as part of the expenses of the improvements therein mentioned.

Superintendent to appoint Inspector of street work.

Duty of Inspector.

Salary.

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.

CHAP. CCCLXIII.—*An Act in relation to the Superintendent of Schools of Del Norte County.*

[Approved March 28, 1876.]

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

SECTION 1. The Superintendent of Schools of Del Norte County shall receive a salary of two hundred and fifty dollars per annum, payable quarterly out of the General Fund

Salary of Superintendent.

of said county; *provided*, that no extra compensation shall be allowed by the Board of Supervisors of said county to the said Superintendent of Schools for traveling expenses, in visiting any school district in said county.

SEC. 2. This Act shall take effect and be in force from and after the fifth day of April, A. D. eighteen hundred and seventy-six.

CHAP. CCCLXIV.—*An Act in relation to the collection of licenses in Mariposa and Merced Counties.*

[Approved March 28, 1876.]

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

Tax Collectors to collect licenses

SECTION 1. It shall be the duty of the Tax Collector of Mariposa and Merced Counties to apply, in person or by deputy, to each and every person in his respective county who is liable to pay a license, under the provisions of Chapter Fifteen of the Political Code, and to collect and receive from each of said persons the sum due as said license; and said Tax Collector shall receive, and shall be allowed, the amount of ten per cent. upon the whole amount collected by him for such licenses, and shall receive for such collection no other compensation.

Fees.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXV.—*An Act to authorize the Board of Supervisors of the County of Mariposa to pay a certain claim.*

[Approved March 28, 1876.]

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

Claim to be allowed.

SECTION 1. The Board of Supervisors of the County of Mariposa are hereby authorized to allow the claim of David Eganhoff, late Superintendent of County Schools, for the sum of three hundred and fifty dollars, and the County Auditor is hereby directed to draw his warrant in favor of David Eganhoff for said sum, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXVI.—*An Act to provide for the construction of a wagon road from Grizzly Bluff to Camp Grant, in Humboldt County*

[Approved March 28, 1876.]

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

SECTION 1. For the purpose of aiding in the construction of a certain wagon road hereinafter provided for, the Board of Supervisors of Humboldt County may, at any time within six months after the passage of this Act, issue the bonds of said county for the sum of ten thousand dollars, payable on the first day of January, A. D. eighteen hundred and ninety-six; said bonds to bear interest at the rate of nine per cent. per annum, payable annually, on the twentieth day of January, both principal and interest payable in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars each, to be numbered consecutively, and shall be signed by the Chairman of the Board of Supervisors and countersigned by the Auditor of said county. Interest coupons shall be attached, signed in like manner.

Supervisors to issue bonds

When payable

SEC. 2. The bonds and coupons in this Act provided for shall be paid at the office of the County Treasurer, and when so paid shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the bonds and coupons so redeemed. Said coupons shall bear the date of their issuance, and be numbered in the order in which they are to be paid. The first coupons shall be for interest from their date up to the twentieth day of January next succeeding.

Record of bonds.

SEC. 3. For the purpose of paying the interest on said bonds the Board of Supervisors of said county shall, at the time of levying county taxes for each year, levy a special tax on all property in said county sufficient to pay the interest for one year on all bonds in this Act provided for, then outstanding. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special fund, to be known as "Road Bond Interest Fund Number Three," and out of said fund the coupons on said bonds shall be paid as they fall due; *provided*, that if the amount realized from said special fund exceed the amount required to pay the interest due, in any one year for which it has been collected, the Board of Supervisors shall transfer such surplus to the County General Fund.

Special interest tax

SEC. 4. In and for the year eighteen hundred and eighty-six, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay five per cent. of the whole amount of bonds issued under the authority of this Act; in and for the year eighteen hundred and eighty-seven, sufficient to pay five per cent. of the whole issue; in and for each of the years eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and

Bond redemption tax

ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred and ninety-three, sufficient to pay eight per cent. each year of the whole issue, and for the years eighteen hundred and ninety-four and eighteen hundred and ninety-five, sufficient to pay each year twenty-one per cent. of the whole issue. The amount of taxes thus collected shall be set apart as a special fund, to be known as Road Redemption Fund Number Three, authorized under this Act, and to be applied to the payment of the bonds issued under this Act, and to no other purpose.

Notice of
redemption.

SEC. 5. On the first day of January, eighteen hundred and eighty-seven, and of each year thereafter until all of said bonds are redeemed or paid, the Board of Supervisors of Humboldt County shall, by advertisement in a newspaper published in said county, for three consecutive weeks, give notice of the amount of the said Special Road Redemption Fund Number Three in the county treasury, and invite from the holders of said bonds sealed proposals, directed to the Chairman of the Board, of the terms upon which they are willing to surrender their bonds; the said Board, at the first regular meeting thereafter to be held, shall open all proposals until then received, and order the payment of the bonds offered at the lowest price, to an amount equal to that in said Redemption Fund; *provided*, that no bonds shall be paid for at more than its par value and accrued interest.

Sale of
bonds.

SEC. 6. The Board of Supervisors of said county, whenever it shall become necessary in order to carry out the provisions of this Act, are authorized and required to sell any or all of such bonds, after having published a notice for thirty days, in one newspaper published in said county and one published in the City of San Francisco, inviting sealed proposals, directed to the Chairman of the Board of Supervisors, for the purchase of the same. Upon a day to be named in said notice, the Board shall meet to consider said proposals, and they shall deliver said bonds, with coupons attached, to the person or persons bidding the highest therefor, in United States gold coin; *provided*, that the Board shall have power to reject any and all bids.

Proceeds,
how applied.

SEC. 7. All funds derived from the sale of said bonds shall be set apart as a special fund, and be known as Wagon Road Fund Number Three, and by the Board of Supervisors be appropriated, applied, and used in laying out and constructing, over the most practicable route, in such manner as they shall deem best, a wagon road on the south side of Eel River, over the most practicable route, from Grizzly Bluff to Camp Grant. For the purposes of this Act the said Board of Supervisors are hereby authorized to make all necessary provisions for the construction of said road at as early a day as practicable.

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

CHAP. CCCLXVII.—*An Act for the relief of N. A. Covarrubias, Sheriff of Santa Barbara County.*

[Approved March 28, 1876.]

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

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby directed to audit the claim of N. A. Covarrubias, Sheriff of Santa Barbara County, in the sum of two hundred dollars in gold coin of the United States of America, for moneys paid by said Sheriff as a reward for the apprehension of Jack Cotton and Caroline Norton, murderers, afterwards convicted and sent to State Prison for life; the amount allowed to be paid out of the General Fund of said county, in the same manner that other claims against the county are paid. Supervisors
to audit
claim.

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

CHAP. CCCLXVIII.—*An Act to make applicable certain provisions of the Political Code to the County of Humboldt.*

[Approved March 28, 1876.]

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

SECTION 1. Sections thirty-eight hundred and ninety-four and thirty-eight hundred and ninety-five of Volume Two, Chapter Eleven, Title Nine, Article Two, Miscellaneous Provisions of the Political Code, are hereby made applicable to the County of Humboldt. Code made
applicable.

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

SEC. 3. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-seven.

CHAP. CCCLXIX.—*An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.*

[Approved March 28, 1876.]

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

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The Trustees of said town may adopt rules for its proceedings, shall judge of the qualifications of its own members, and shall have power to remove Powers and
duties of
Trustees.

Powers and
duties of
Trustees.

for good and sufficient cause, after a notice to the party accused, by a unanimous vote, any and all town officers, whether elected or appointed, and to fill any vacancy so caused; said Trustees shall also have power to make such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to license, tax, and regulate all such business and employments as the public good may require and as may not be prevented by law, and fix the terms and price thereof; *provided*, that the proceeds of all licenses issued to persons doing business within the town limits of Watsonville shall be paid into the town treasury for the use of said town, and it shall be unlawful for any county officer to collect any such licenses within the said town; to grant permission for the laying of railroad tracks through the town and the running of cars drawn by horses or steam thereon, and to regulate the same; to provide for the care and regulation of prisoners; for the employment of vagrants and prisoners upon the public streets and works of the town; to construct works necessary for supplying said town with water; to provide such means as they may deem necessary to protect said town from injury by fire; to levy and collect annually a tax on all property in said town, not exceeding one per cent. on the assessment valuation thereof; to impose and collect a poll-tax of not exceeding one dollar per annum on every male inhabitant of the town twenty-one years of age and upwards; to impose and collect a tax of not exceeding six dollars per annum on the owner of every dog owned and kept within the limits of the town, and to pass such other by-laws and ordinances for the regulation and police of said town, and for carrying into effect the foregoing powers, as they may deem necessary; but shall not have power to contract any debt or debts which, singly or in the aggregate, shall exceed the sum of five hundred dollars, unless by the consent of a majority of the voters of said town voting at a special election ordered for that purpose by said Trustees, and of which election notice shall be given either by notices posted in at least five public places in said town, or published in a newspaper, if there be one in such town, for at least ten days prior thereto.

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

CHAP. CCCLXX—*An Act to legalize and make valid the transcribed records of San Benito County.*

[Approved March 28, 1876.]

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

Transcribed
records
made valid.

SECTION 1. The transcribed records now in possession of the County Clerk and County Recorder of San Benito

County, transcribed from the original records of Monterey County by W. M. R. Parker, under the order of the Board of Supervisors of San Benito County, heretofore made, are hereby declared to be valid, and the same shall be received in all the Courts of this State, and in all proceedings, as evidence, with the full effect, and subject to the same objections only, as may be made to said originals. Certified copies of said transcribed records shall also be received with the same force and effect as certified copies of said original records.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXI.—*An Act to change the name of a town in Modoc County.*

[Approved March 28, 1876.]

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

SECTION 1. The name of the Town of Dorris Bridge, in the County of Modoc, shall hereafter be known as Alturas. Name changed.

SEC. 2. This Act shall take effect on the first Monday in June, A. D. eighteen hundred and seventy-six.

CHAP. CCCLXXII.—*An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Stanislaus County.*

[Approved March 28, 1876.]

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

SECTION 1. An Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as said Act relates to the County of Stanislaus, is hereby repealed. Act repealed.

SEC. 2. All rights and claims now accrued under said Act in said County of Stanislaus are hereby expressly preserved; but all such claims shall be presented to the Board of Supervisors of said county on or before the first day of June, eighteen hundred and seventy-six; and if not so presented within said time, they shall be from thenceforth barred; and if there is not sufficient money in the Bounty Fund of said

county to pay said claims, they shall be paid out of the General Fund of said county.

Transfer of
moneys

SEC. 3. All moneys remaining in the Bounty Fund of said county after the first day of June, eighteen hundred and seventy-six, shall be transferred by the Treasurer of said county to the General Fund thereof.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCLXXIII.—*An Act to establish and define the powers and duties of the Board of Education of the City of Santa Rosa, in the County of Sonoma, and State of California.*

[Approved March 28, 1876.]

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

Board to
consist of
five
Directors,
election of

SECTION 1. The Board of Education of the City of Santa Rosa, of Sonoma County, California, shall consist of five School Directors, who shall be elected as follows, namely: Two at the next ensuing charter election for city officers for the City of Santa Rosa, County of Sonoma, State of California, for the term of two years, and three at the next charter election thereafter for said city, for the term of two years, and at every subsequent charter election for city officers for said city there shall be alternately two and three School Directors elected to take the place of those whose terms shall have expired, said term of office in each and every case to be for two years, and until a successor is duly elected and qualified. The three present members of the Board of Trustees of Court-house School District shall be members of the Board of Education of the City of Santa Rosa, and shall constitute the entire Board until the next regular charter election in the city aforesaid, and their term of office shall continue until the regular charter election for city officers for said city, in the year one thousand eight hundred and seventy-seven, and until their successors are duly elected and qualified; and said Board shall exercise, and are hereby authorized and empowered to exercise, all the powers and duties hereinafter provided as appertaining to the Board of Education created by this Act. Said Board of Education shall meet and qualify within ten days after their election is duly ascertained and declared, and after qualifying, as provided in the revised school law of the State of California, shall elect from their number a President and a Secretary, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a less number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall lie open to public inspection. The Board shall also have power to fill all vacancies occurring in the Board until the then next ensuing charter election.

Board to
organize.

SEC. 2. The said Board of Education shall have sole power: Powers and duties of Board.

First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof.

Second—To employ and dismiss teachers, janitors, and school census marshals, and to fix, alter, allow, and order paid their salaries and compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, 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.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not inconsistent with law, for the government and progress of public schools within the said school district, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools.

Fourth—To provide for the school department of said school district, fuel and lights, water, blanks and blank books, printing and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

Fifth—To build, alter, repair, rent, and provide school-houses, and furnish them with proper school furniture, apparatus and proper school appliances, and to insure any and all such school property.

Sixth—To receive, purchase, lease, and hold in fee, in trust for said school district, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired for the use and benefit of the public schools of said district; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school-houses, without the unanimous consent of the Board of Education and three members of the Common Council of the City of Santa Rosa aforesaid; *and provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of school-houses.

Seventh—To grade, fence, and improve all school lots, and in front thereof to grade, sewer, and plank or pave and repair streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, lands, and property belonging to or claimed by the said school district, 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, lands, and property, and to employ and pay counsel in such cases, and further, to do any and all acts necessary thereto.

Ninth—To determine annually the amount of money School tax. required for the support of the public schools for a period of ten months, and for carrying into effect all the provisions of law relative thereto; and in pursuance of this provision, the Board shall, at the proper time, submit in writing, to the Common Council of the City of Santa Rosa aforesaid, a careful estimate of the whole amount of money to be

School tax. received from the State and county, and the amount required from the said school district, for the foregoing purposes; and the amount so found to be required from the said school district shall, by the Common Council of the said city, be added to the amounts to be assessed, levied, and collected for city purposes; *provided*, that the amount to be thus assessed, levied, and collected for school purposes shall not exceed twenty-five cents on each one hundred dollars' valuation upon the assessment roll of said school district, and that, when collected, it shall be immediately paid into the School Fund, to be drawn out only upon the order of the Board of Education. The special tax to be assessed, levied, and collected for the payment of interest and principal of school bonds of said school district, now outstanding, shall be assessed, levied, and collected at the same time and in the same manner as the aforesaid tax for current school purposes; and the Board of Education are hereby authorized and empowered to include the amount of said tax in their written statement to the Common Council aforesaid.

Tenth—It shall be the duty of the Board of Education to provide such blanks, blank books as shall be necessary for the assessment and collection of the school taxes herein provided for, and to fix the extra compensation to be allowed the Assessor and Collector of taxes for the said City of Santa Rosa, for time and labor expended in the assessment and collection of such school taxes.

Eleventh—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Twelfth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause.

Thirteenth—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Fourteenth—To prohibit any child under six years of age from attending the public schools.

Fifteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board of Education.

Corporate
name of
district.

SEC. 3. The corporate name by which said school district shall sue or be sued shall be, The Board of Education of the City of Santa Rosa, and the territory over which the said Board shall have supervision, and to which the provisions of this Act are applicable, shall include the corporate limits of the said City of Santa Rosa, as now fixed and determined, and which shall be hereafter fixed and determined.

Charter
elections.

SEC. 4. All qualified voters of the school district aforesaid shall be entitled to vote for School Directors, Assessor, and Collector, at the regular charter elections for city officers for the City of Santa Rosa aforesaid.

Powers of
Presidents.

SEC. 5. 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, or other matters relative to his official duties.

SEC. 6. No School Director shall be interested in any contract pertaining in any manner to the school department. All contracts in violation of this section are declared void, and any Director, in violating or aiding in violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Misde-
meanor.

SEC. 7. The Secretary of the Board of Education shall be subject to removal at the pleasure of the Board. He shall report to the Board annually, and at such other times as they may require, all matters pertaining to the expense, income, condition, and progress of the public schools of said district during the preceding year, with such recommendations as he may deem proper. He shall observe and cause to be observed such general rules and regulations for the government and instruction of the schools, not inconsistent with the law of the State, as may be established by the Board of Education. He shall attend the sessions of the Board, and inform them, at each session, of the condition of the public schools, school-houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the district, and shall perform such other duties as may be required of him by the Board. He shall receive as compensation for his services, payable out of the School Fund, such sum as the Board of Education may, from time to time, allow.

Secretary,
duties of.

Compensa-
tion.

SEC. 8. The School Fund of the said school district shall consist of all moneys received from the State and County School Fund, of all moneys arising from taxes which shall be levied as provided in this Act, of all moneys arising from the sale, rent, or exchange of any school property, and of such other money as may, from any source whatever, be paid into said School Fund; which fund shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone, under the provisions of this Act; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, withdrawn from said fund, except as provided in this Act.

School Fund.

SEC. 9. The School Fund shall be used and applied by said Board of Education for the following purposes:

Same, how
applied.

First—For the payment of the salaries or wages of teachers, janitors, school census marshals, and other persons who may be employed by said Board; *provided*, that the school moneys received from the State be applied solely to the payment of teachers' salaries.

Second—For the erection, alteration, repair, and furnishing of school-houses.

Third—For the purchase money or rent of any real or personal property purchased or leased by said Board.

Fourth—For the insurance of all school property.

Fifth—For lighting school-rooms, supplying the schools with fuel, water, apparatus, blank books, and necessary school

apparatus and appliances, together with books for children of indigent parents.

Sixth—For supplying books, printing, and stationery for the use of the Board of Education, and for the incidental expenses of the Board and department.

Seventh—For grading, fencing, and improving all school lots, and for grading, paving, and repairing streets and sidewalks in front thereof.

Eighth—And generally, for all purposes necessary to carry into effect the provisions of this Act.

Claims;
teachers'
salaries.

SEC. 10. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members of the Board, they shall be signed by the President and Secretary, and sent to the Treasurer of the City of Santa Rosa aforesaid. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly.

Treasurer
to pay
demands.

SEC. 11. All demands authorized by this Act shall be paid by the City Treasurer of the said city from the School Fund of the said district, when the same shall be presented to him so ordered paid and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liabilities, in any form whatever, against the said school district, in contravention of this Act.

Vacancies
in Board.

SEC. 12. If any member of the Board of Education shall remove from the school district, or absent himself therefrom for more than thirty days, except by permission of the Board, or shall fail to qualify within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the Board shall thereupon proceed to fill the vacancy until the time of the next charter election for city officers of the city aforesaid.

Apportion-
ment of
funds

SEC. 13. It is hereby made the duty of the Superintendent of Public Schools for the County of Sonoma, when any money shall have been apportioned to the school district of the City of Santa Rosa from the county or State funds, to notify the Secretary of the Board of Education of the City of Santa Rosa thereof. The County Superintendent shall, when an apportionment has been made of any funds in the county treasury, issue his order on the Treasurer of said Sonoma County, in favor of the Treasurer of the said City of Santa Rosa. Upon presentation of such order, the County Treasurer shall pay the sum designated in said order to the City Treasurer of said city.

Treasurer.

SEC. 14. The Treasurer of the City of Santa Rosa aforesaid is hereby authorized and required to keep all the school moneys from State, county, and school district, in a separate fund, called the "School Fund," and shall pay it out only on the order of the Board of Education aforesaid, except his commission of one per cent., which he may reserve.

School taxes.

SEC. 15. The Common Council of the City of Santa Rosa aforesaid are hereby authorized and empowered to assess, levy, and have collected within the said school district, the entire tax for school purposes, as herein provided.

SEC. 16. The County School Superintendent of Sonoma County is hereby authorized and empowered to transfer to the credit of the School District of the City of Santa Rosa all moneys that may be in the county treasury to the credit of Court-house School District at the date of the approval of this Act. The said Board of Education shall have power to admit non-resident children into the schools of said district upon such terms of tuition as they may prescribe.

Powers of
County
Superin-
tendent

SEC. 17. This Act shall be in force and effect from the date of its approval.

CHAP. CCCLXXIV.—*An Act to authorize the Board of Supervisors of Los Angeles County to erect a jail, and to issue bonds for the payment of the same.*

[Approved March 28, 1876.]

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

SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized and empowered to erect a County Jail in the City and County of Los Angeles.

Authority to
erect.

SEC. 2. The said Board of Supervisors may employ a competent architect to draft plans and specifications of said County Jail, and they shall have full power to do and perform all acts and things which may be requisite or necessary to carry out the provisions and objects of this Act; *provided*, that contracts for the erection of said jail shall be let to the lowest responsible bidder, in the manner provided by law; *provided*, the said Board of Supervisors shall have power to reject any and all bids; *and provided*, that the aggregate cost and expense of erecting the said jail, and the furnishing thereof, shall not exceed the sum of twenty-five thousand dollars.

Board to
appoint
architect,
etc.

SEC. 3. Said Board of Supervisors shall have power, by an order duly made by them, to advertise for plans and specifications for said County Jail, and to pay out of the Current Expense Fund of said county a sum not exceeding two hundred dollars for the plans and specifications and estimates adopted by said Board.

Plans and
specifica-
tions.

SEC. 4. The said Board of Supervisors, after they shall have adopted plans and specifications for said County Jail, shall deposit the same with the Clerk of said Board, for the inspection of builders, and shall cause to be published, for at least thirty days, in some daily newspaper published and printed in said County of Los Angeles, an advertisement, inviting sealed proposals for the construction of said County Jail. Said sealed proposals shall be addressed to the Clerk of the Board of Supervisors of Los Angeles County, and shall contain a bid for the construction of such County Jail advertised for, according to the plans and specifications adopted by the Board, and shall state the names of their

Notice to
contractors.

proposed sureties, and be accompanied by their written consent to become sureties in case of acceptance of the bid.

Opening
of bids.

SEC. 5. Within one week after the expiration of the time specified in the said advertisement for the presentation of said proposals, the Board of Supervisors shall meet, and, having declared the time for receiving said bids closed, in public open all proposals that may have been received for the construction of said County Jail, and shall proceed to consider the said proposals, and shall cause the same to be published, for at least twenty days, in some daily newspaper published in the City of Los Angeles, and shall, at the expiration of said twenty days' publication, and upon the filing of the bond hereinafter provided for, award the contract for the construction of said County Jail to the lowest responsible bidder or bidders; *provided always*, that the Board shall have power to reject any and all bids received; and *provided*, that no party to whom the contract may be awarded shall have the right to sub-contract the work of the building contracted for to any other person or persons, under penalty of a forfeiture of his bonds.

Award of
contract.

Contractor
to give
bonds.

SEC. 6. The person or persons to whom the contract for the construction of said County Jail may be awarded shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by said Board, and conditioned to the effect that the obligors will well and truly, and in a workmanlike manner, cause the said building to be constructed and completed within such time after the bid shall have been accepted as the Board may fix, in accordance with the plans and specifications adopted by said Board; and *provided further*, that not more than seventy-five (75) per cent. of the amount agreed upon to be paid for said work shall be paid as the work of construction progresses, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Supervisors
to issue
bonds.

SEC. 7. For the purpose of providing means for the construction of said County Jail, the said Board of Supervisors are hereby authorized to cause to be prepared suitable bonds of said county, to be denominated on their face "The Los Angeles County Jail Bonds," of the denomination of five hundred dollars (\$500) each, gold coin of the United States, bearing interest at the rate of seven (7) per cent. per annum from the date of their issue, which shall be the date of their delivery, at which time the date shall be therein inserted, in like gold coin, payable at the office of the County Treasurer of Los Angeles County, upon the first day of January of each year, and the principal sum thereof payable at the said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and ninety-six. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached, the first for the interest from the date of their issue for the term ending on the last day of December

When
payable.

following, the remainder for one year's interest each thereafter, to be consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bond, which coupons shall be signed by the County Treasurer.

SEC. 8. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer. Record of bonds.

SEC. 9. The bonds issued in pursuance of this Act shall be given and received exclusively in payment for the construction of said County Jail; *provided, however*, that, if in the judgment of the Board of Supervisors, it shall be deemed for the best interest of the county, they may sell any and all of said bonds at such time or times as they may deem proper, after having published a notice for thirty days in one newspaper published in the City of Los Angeles and a newspaper published in the City of San Francisco, inviting proposals for the purchase of the same upon a day to be named in the said published notice. The Board of Supervisors shall meet to consider said proposals, and they shall deliver said bonds, with coupons attached, to the person or persons bidding the highest therefor, in gold coin of the United States; *provided*, the said Board of Supervisors shall have power to reject any and all bids. Sale of bonds, etc.

SEC. 10. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State and county taxes, a special tax not exceeding six cents on each one hundred dollars of the value of real and personal property in said county, and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of bonds issued in pursuance of this Act, which shall be paid into the "Los Angeles County Jail Interest and Sinking Fund." Interest and redemption tax.

SEC. 11. Whenever, on the first day of February in any year, after the payment of the interest as herein provided for, there shall remain in said "Los Angeles County Jail Interest and Sinking Fund" a surplus exceeding one thousand dollars (\$1,000), it shall be the duty of the County Treasurer of said county to advertise for one month in some newspaper published in said county for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors, and of the County Auditor of said county, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money the Treasurer has on hand for the purpose of redemption, and shall require said proposals to be accompanied by good and sufficient security that the same shall be carried out within fifteen days after acceptance; the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened, they shall accept the lowest Treasurer to give notice of redemption.

proposals, at rates not exceeding the par value, as may redeem the greatest amount of bonds, until the cash on hand is exhausted.

Auditor to
keep record.

SEC. 12. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the County Auditor to take the numbers of the bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office; for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

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

CHAP. CCCLXXV.—*An Act to fix the terms of the County Court in the County of El Dorado.*

[Approved March 28, 1876.]

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

Terms fixed.

SECTION 1. The regular terms of the County Court, in and for the County of El Dorado, shall commence on the second Monday in February, May, September, and November in each year.

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

CHAP. CCCLXXVI.—*An Act relating to fees and salaries of certain officers in Yuba County.*

[Approved March 28, 1876.]

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

Fees to be
paid into
Salary Fund.

SECTION 1. All fees collected or received by the county officers of Yuba County, named in sections three, four, five, six, and seven of an Act entitled "An Act to fix the salaries and compensation of certain officers in Yuba County," approved February seventeenth, eighteen hundred and seventy-four, which they are required to account for, shall, on the first Monday of every month, pay the same into the county treasury of said county, and the Treasurer is hereby directed and empowered to place the same to the credit of a fund to be known as the County Salary Fund.

Deficiencies
in Salary
Fund.

SEC. 2. The Board of Supervisors shall, on the first day of their meeting at the May term, eighteen hundred and seventy-six, make an order directing the County Treasurer

to borrow from such fund as to them it may appear can best spare the same, an amount sufficient to cover all estimated deficiencies in the County Salary Fund, which sum shall be by said Treasurer so taken and placed in the County Salary Fund; and at the time of making up their annual levy of taxes for the fiscal year eighteen hundred and seventy-six-seven, they shall include therein an amount sufficient to cover all estimated deficiencies in the County Salary Fund, together with the amount so as aforesaid borrowed into said fund, which said amounts, when collected, shall be apportioned accordingly; and annually thereafter, at the time of making up their annual levy of taxes, shall include therein an amount sufficient to cover all estimated deficiencies in the County Salary Fund, which said amount, when collected, shall be apportioned to the County Salary Fund.

SEC. 3. It shall be the duty of the County Auditor, on the first Monday of every month, to issue to the County Clerk, Sheriff, Recorder, Assessor, Treasurer, and County Superintendent of Schools a warrant payable out of the County Salary Fund, for the amount of his salary for the last month; said monthly salary is hereby declared to be the one-twelfth part of his annual salary, which shall include the salary allowed him as an ex officio officer of any other office; *provided*, that if any officer who is required to pay into the county treasury certain fees and commissions by him collected, and shall fail so to do, or to present his fee-book to the Board of Supervisors, as is required by section eight of the Act quoted in section one of this Act, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not to exceed one thousand dollars, and in addition thereto, the Auditor shall withhold such officer's warrant.

Monthly salaries.

Misdemeanor.

SEC. 4. The Board of Supervisors shall be entitled to receive a warrant for their salaries, payable quarterly, out of the County Salary Fund.

Supervisors' salaries.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCLXXVII.—*An Act to amend an Act entitled "An Act to reincorporate the City of Stockton," approved March twenty-seventh, eighteen hundred and seventy-two.*

[Approved March 28, 1876.]

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

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. The officers of the City of Stockton shall consist of a Mayor, twelve Councilmen, a Collector, who shall also be Street Commissioner, an Assessor,

City officers to consist of.

Treasurer, City Clerk, Police Judge, City Attorney, and Chief of Police; also two School Trustees for each ward, and a Superintendent of Public Schools. The City Council may appoint a City Surveyor, and any other officers herein authorized to be appointed, and may, by ordinance, prescribe the duties of all city officers and their compensation. The Mayor, Police Judge, and Chief of Police shall constitute a Police Commission, and shall from time to time appoint such policemen as may be authorized by the City Council, who shall hold office subject to the will of said Police Commission.

Police.

Charter elections.

SEC. 2. Section five of said Act is hereby amended so as to read as follows: Section 5. On the first Monday in May of every year, a charter election shall be held, at which the qualified voters of said city shall elect a Mayor, an Assessor, and a Collector and Street Commissioner, a Police Judge, a City Attorney, and a Chief of Police, who shall each hold office for one year, and until the qualification of his successor; six members of the City Council, and one School Trustee for each ward, to be voted for by the wards they may respectively represent, and each second year, a Superintendent of Public Schools, who shall each hold his office for two years, and until the qualification of a successor.

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

CHAP. CCCLXXVIII.—*An Act to amend an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, and amended March twenty-sixth, eighteen hundred and seventy, A. D.*

[Approved March 28, 1876.]

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

City government, terms of Trustees.

SECTION 1. Section three of an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two, is amended so as to read as follows: Section 3. The government of said city shall be vested in a Board of five Trustees, who shall hold their offices for two years. They shall be annually elected two and three alternately. Elections to be held on the first Monday in March of each year; and said Trustees shall, within ten days after the election, take the oath of office, and organize as a Board by choosing a President from among their number. There shall also be elected, biennially, an Assessor and a Collector, who shall hold office for two years.

Trustees to appoint.

SEC. 2. Section four of said Act is hereby amended to read as follows: Section 4. The Trustees shall have power to appoint:

First—A Clerk.

Second—Such minor officers as may be necessary for the

preservation of order and good government in said city, and to provide for the compensation of and security to be furnished by the officers elected by the city or appointed as in this section provided.

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

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

CHAP. CCCLXXIX.—*An Act granting certain privileges to the North Beach and Mission Railroad Company.*

[Approved March 28, 1876.]

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

SECTION 1. The time for the North Beach and Mission Railroad Company, the assignee of the franchises hereinafter mentioned, to lay and complete the several railroads which it is authorized to construct, equip, and maintain, in the City and County of San Francisco, under the franchises granted by the Acts entitled as follows: An Act to provide for street railroads within the City and County of San Francisco, approved April the seventeenth, eighteen hundred and sixty-one; and an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, approved April the seventeenth, eighteen hundred and sixty-one; and by the several Acts amendatory of and supplementary to said Acts, and each of them, is hereby extended for the period of two and one-half years, from and after the thirty-first day of March, eighteen hundred and seventy-six; *provided*, the extension of time hereby granted shall not be construed to impair the rights of any other street railroad franchise heretofore granted.

Franchises extended.

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

CHAP. CCCLXXX.—*An Act in relation to sales and conveyances of the "Mutual Real Estate Company."*

[Approved March 28, 1876.]

PREAMBLE.

WHEREAS, "The Mutual Real Estate Company," a corporation duly organized and incorporated on the eleventh day of March, A. D. eighteen hundred and sixty-nine, under the laws of this State, and having its principal place of business in the City and County of San Francisco,

Preamble.

expired by limitation on the eleventh day of March, A. D. eighteen hundred and seventy-four, and, at the time of the expiration of its term of existence, the said association held and owned certain real estate situated in said City and County of San Francisco, the title to which said real estate then was and now is vested in said corporation;

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

Surviving
Trustees
may make
sales, etc.

SECTION 1. The surviving Trustees of the corporation known as "The Mutual Real Estate Company" are hereby empowered and authorized to make sales and conveyances, or to dispose of, according to the rights and equities of all parties interested therein, of all the real estate in the City and County of San Francisco owned by or vested in said corporation at the time of the expiration of its term of existence as such corporation; and such sales and conveyances shall be valid and sufficient in law to transfer all the title which said corporation had attained prior to the termination of its existence, to all intents and purposes, and with the same force and effect, as the same could or would have done during the existence of said association as a corporation.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXXI.—*An Act to authorize the Board of Trustees of Mission School District, in the County of San Luis Obispo, to borrow money for certain purposes, and provide for the payment of the same.*

[Approved March 28, 1876.]

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

Trustees
authorized
to borrow
money.

SECTION 1. For the purpose of erecting a school-house and improving the grounds upon which the same may be located, of Mission School District, in San Luis Obispo County, the Board of Trustees of said school district are hereby authorized to borrow money, not to exceed the sum of four thousand dollars, in gold coin of the United States, at a rate of interest not to exceed ten per cent. per annum, payable annually, on the first day of January of each year, until paid, at the office of the Treasurer of San Luis Obispo County.

Certificates
of indebted-
ness.

SEC. 2. Upon the payment into the county treasury of San Luis Obispo County of the amount of the loan, the Board of Trustees of Mission School District are hereby authorized to issue certificates of indebtedness, in the name of the said district, for the amount so loaned, payable on or before the first day of January, one thousand eight hundred and eighty-six, at the rate of interest agreed upon, not to exceed ten per cent. per annum. Said certificates shall be

signed by the Board of Trustees, or a majority of them, and be countersigned by the Superintendent of Common Schools of San Luis Obispo County, and shall be in sums not less than one hundred dollars nor more than one thousand dollars each, and not to exceed fourteen thousand dollars in the aggregate. Said certificates shall be a lien upon all property in the said Mission School District, until paid.

SEC. 3. For the purpose of paying the interest on the debt contracted as provided in this Act, and providing for payment of the principal, the Board of Trustees of said Mission School District are hereby required, and it is made their duty, annually, in the month of March, to levy a special tax upon all the property in said district of not less than twenty cents on each hundred dollars, nor more than forty-five cents on each hundred dollars, of taxable property in said district, which tax shall be assessed and collected as herein provided, and shall be paid into the county treasury, and by the County Treasurer set apart and constitute the "Mission School District Redemption and Interest Fund." The County Treasurer, out of this fund, shall, each and every year, on the first of January, pay the interest that has accrued, and pay the balance remaining on the principal of the loan.

SEC. 4. Within thirty days after the passage of this Act the Trustees of the said Mission District shall call a special election for the purpose of electing a District Assessor and a District Collector, which election shall be governed by the laws relating to elections. At least ten days' notice shall be given of such election, by posting notices in at least three public places in said district. The officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the votes of said Mission District. The Assessor shall give bond in the sum of two thousand dollars, and shall receive for his services such compensation as the Board of Trustees may allow. The Collector shall give a bond for the faithful discharge of his duties in such sum as the Trustees may designate, but which shall not be less than three thousand dollars. He shall receive such compensation as the Board of Trustees may deem just, not exceeding one per cent. on each dollar collected. Nothing in this Act shall prevent the same person acting both as Assessor and Collector. The officers shall be governed by the laws in force for the collection of State and county taxes. The Board of Trustees shall sit at least ten days as a Board of Equalization, after giving ten days' notice of such meeting, by posting at least three notices in public places.

SEC. 5. The money paid into the treasury under the second section of this Act shall be kept by the Treasurer as a separate fund, known as the "Mission School District Building and Improvement Fund," and shall pay the same out upon the order of the Board of Trustees, when such orders have been countersigned by the County Superintendent of Common Schools of said County of San Luis Obispo.

SEC. 6. The Board of Trustees of said Mission School District, before allowing any bills for the building of a school-

Special tax.

Election for Assessor and Collector.

Bonds.

Funds, how applied.

Demands against district.

Demands
against
district.

house and improvement of the premises upon which such school-house may be located, shall submit the same to the County Judge, to the Superintendent of Common Schools, and the District Attorney of said County of San Luis Obispo, who are hereby constituted a Board of Examiners, for the purpose of examining such bills. If the said Board of Examiners approve of the bills presented, they shall indorse their approval thereon, when the Board of Trustees shall draw their order on the County Treasurer, payable out of the "Mission School District Building and Improvement Fund," and no order shall be drawn for any bill or account, unless it have the approval of the said Board of Examiners, or a majority of them.

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

CHAP. CCCLXXXII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCLXXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCLXXXIV.—*An Act to create the Twenty-second Judicial District.*

[Approved March 29, 1876.]

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

District
created

SECTION 1. The Twenty-second Judicial District is hereby created, and shall be composed of the Counties of Mendocino, Sonoma, and Marin.

Transfer of
actions
pending.

SEC. 2. All actions and proceedings pending in the District Court in said counties at the time this Act goes into effect, shall be proceeded with, heard, and determined, in the Twenty-Second Judicial District, as if such action or proceeding had been commenced therein.

Terms of
Court.

SEC. 3. In the Twenty-second Judicial District, the terms of the said Court shall be as follows: In the County of Marin, on the third Mondays of March, July, and November. In the County of Mendocino, the second Mondays of April, August, and December. In the County of Sonoma, on the first Mondays of May and September, and the first Monday of February.

Election for
Judge

SEC. 4. At the special judicial election held in the year one thousand eight hundred and seventy-seven, and every

six years thereafter, a District Judge shall be elected for the Twenty-second Judicial District, and the Judge so elected shall go into office on the first Monday of January next after his election.

SEC. 5. When this Act goes into effect, the Governor shall immediately appoint some person as District Judge of the Twenty-second Judicial District, who shall hold his office until his successor is elected and qualified, as provided in this Act. Governor to appoint Judge.

SEC. 6. The District Judge of the Twenty-second Judicial District shall receive a salary of five thousand dollars per annum, payable at the same time, and in the same manner, as the salaries of other District Judges of this State. Salary.

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

CHAP. CCCLXXXV.—*An Act to fix the compensation of Assessors for the collection of taxes on personal property, in the County of Contra Costa.*

[Approved March 29, 1876.]

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

SECTION 1. For services rendered in the collection of personal property taxes, in the County of Contra Costa, the Assessor shall receive six (6) per cent. on the amount by him collected. Assessor's fees.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-six.

CHAP. CCCLXXXVI.—*An Act for the relief of East Fork School District, in the County of Siskiyou.*

[Approved March 29, 1876.]

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

SECTION 1. The East Fork School District, in the County of Siskiyou, is hereby excepted from the operation of the provisions of section eighteen hundred and fifty-nine of the Political Code, for the school year ending June thirtieth, eighteen hundred and seventy-six; and the County Superintendent of Siskiyou County is instructed to apportion all school moneys as though said district had maintained a school for the full term of six months during said school year. Code not to apply.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXXVII.—*An Act to repeal "An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara," approved March the eighteenth, A. D. eighteen hundred and seventy-four.*

[Approved March 29, 1876.]

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

Repeal.

SECTION 1. So much of "An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara," approved March the eighteenth, A. D. eighteen hundred and seventy-four, as applies to the County of Santa Barbara, is hereby repealed.

CHAP. CCCLXXXVIII.—*An Act for the establishment and maintenance of a Branch County Jail, in the County of Solano.*

[Approved March 29, 1876.]

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

Vallejo jail.

SECTION 1. The Board of Trustees of the City of Vallejo, County of Solano, and State of California, may, by ordinance, grant the use of the City Jail therein to the Board of Supervisors of said county for a Branch County Jail; *provided*, that no rent shall be charged said county therefor.

Same to be used conjointly.

SEC. 2. Upon the passage of such ordinance, the said Board of Supervisors shall accept the said jail, and the same shall be known and designated as the Branch County Jail of Solano County, and be kept in repair by said county, and the Sheriff shall have charge of the same; and all persons convicted of misdemeanors in the Justice's Court of Vallejo Township, where the penalty imposed does not exceed a term of imprisonment for more than fifteen days, shall be imprisoned therein; *provided, however*, that such use thereof shall not, in any manner, interfere with the use of such jail as a City Jail under the charge of the proper authorities of said city, who shall at all times have access to and the use thereof conjointly with said Sheriff; *provided*, that said Board of Supervisors may at any time, by an order entered in their minutes, abandon said Branch Jail, and may order all prisoners to be thereafter confined in the County Jail of said county, and thereupon the salary provided for in section three of this Act shall cease.

Jailer's salary.

SEC. 3. The Sheriff of Solano County shall be allowed a salary of fifty dollars per month for a Jailer to take care of such jail, and such salary shall be paid monthly, in the same manner that other salaries are paid in said county.

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

CHAP. CCCLXXXIX.—*An Act to repeal an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, and to make applicable to said county certain provisions of the Political Code.*

[Approved March 29, 1876.]

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

SECTION 1. The Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Tulare, approved March sixth, eighteen hundred and seventy-four, is hereby repealed, and the provisions of the Political Code relating to highways are hereby made applicable to said County of Tulare. Code made applicable.

SEC. 2. The Board of Supervisors of said Tulare County are hereby authorized to settle and adjust all just claims existing against said county for materials furnished and for labor done under contract made by the Road Commissioner, in pursuance of the law hereby repealed. For the purpose of paying all outstanding warrants, issued under the law last referred to, against the Road Fund of said county, and all just claims that may be allowed and adjusted under this Act by said Board of Supervisors, they are authorized and directed to levy and cause to be collected a special tax of not more than twenty-five cents on each one hundred dollars' worth of all taxable property of said county, each and every year, until all such warrants and allowed claims are fully paid. Supervisors to allow outstanding claims

SEC. 3. This Act shall take effect and be in force on and after the first Monday in May, eighteen hundred and seventy-six.

CHAP. CCCXC.—*An Act to authorize the Board of Trustees of Meridian School District, in the County of Sutter, to borrow money for certain purposes, and to provide for the payment of the same.*

[Approved March 29, 1876.]

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

SECTION 1. For the purpose of erecting a school-house and improving the grounds upon which the same may be located, of Meridian School District, in Sutter County, the Board of Trustees of said school district are hereby authorized to borrow money, not to exceed the sum of three thousand five hundred dollars, in gold coin of the United States, at a rate of interest not exceeding fifteen per cent. per annum, payable annually on the first day of January of each year until paid, at the office of the Treasurer of Sutter County. Trustees to borrow money.

Certificates
of indebted-
ness.

SEC. 2. Upon the payment into the county treasury of Sutter County of the amount of the loan, the Board of Trustees of Meridian School District are hereby authorized to issue certificates of indebtedness, in the name of the district, for the amount so loaned, payable on or before the first day of January, one thousand eight hundred and seventy-nine, at the rate of interest agreed upon, not to exceed fifteen per cent. per annum. Said certificates shall be signed by the Board of Trustees, or a majority of them, and be countersigned by the Superintendent of Public Schools of Sutter County, and shall be in sums not less than one hundred and not more than five hundred dollars each, and not to exceed thirty-five hundred in the aggregate. Said certificates shall be a lien upon all property in the said Meridian School District until paid.

Special tax.

SEC. 3. For the purpose of paying the interest on the debt contracted as provided in this Act, and providing for the payment of the principal, the Board of Trustees of said Meridian School District are hereby authorized, and it is made their duty annually, in the month of March, to levy a special tax upon all the property in said district sufficient to pay the interest upon the amount so loaned, and one-third of the principal of the amount for which certificates have been issued, which tax shall be assessed and collected as herein provided, and shall be paid into the county treasury, and by the County Treasurer set apart and constituted the Meridian School District Redemption and Interest Fund. The County Treasurer, out of this fund, shall, each and every year, on the first day of January, pay the interest that has accrued, and one-third of the principal, until the whole amount has been repaid.

Special
election for
Assessor and
Collector.

SEC. 4. Within ninety days after the passage of this Act, the Trustees of said Meridian School District shall call a special election for the purpose of electing a District Assessor and Collector, which election shall be governed by the laws relating to elections. At least ten days' notice shall be given of such election by posting notices in at least three public places in said district. The officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the voters of said Meridian School District. The Assessor and Collector shall give bonds in the sum of two thousand dollars, or in such amount as the Board of Trustees may deem necessary, and shall receive for his or their services such compensation as the Board of Trustees may allow. Nothing in this Act shall prevent the same person from acting both as Assessor and Collector. The officers shall be governed by the laws in force for the collection of State and county taxes. The Board of Trustees shall sit as a Board of Equalization, after giving at least ten days' notice of such meeting, by posting at least three notices in public places, one of which shall be the school-house, for at least three days, and not more than five days.

Bond and
compensa-
tion.

Moneys, how
paid out

SEC. 5. The moneys borrowed under the provisions of this Act, and paid into the county treasury, shall be kept by

the Treasurer as a separate fund, to be known as the Meridian School District Building and Improvement Fund, and the Treasurer shall pay the same out upon the orders of the Board of Trustees, or a majority of the Board, when such orders have been countersigned by the County Superintendent of Public Schools of Sutter County.

SEC. 6. The Board of Trustees of said Meridian School District, before allowing any bills for the building of a school-house and improvement of the premises upon which such school-house may be located, shall submit the same to the County Judge, the Superintendent of Public Schools, and the District Attorney of said County of Sutter, who are hereby constituted a Board of Examiners, for the purpose of examining such bills. If the said Board of Examiners approve the bills presented, they shall indorse their approval thereon, when the Board of Trustees shall draw their order on the County Treasurer, payable out of the Meridian School District Building and Improvement Fund, and no order shall be drawn for any bill or account unless it has the approval of the said Board of Examiners, or a majority thereof, indorsed thereon.

County
Board of
Examiners.

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

CHAP. CCCXCI.—*An Act to encourage the destruction of certain wild animals in the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, and to provide for a bounty for the same.*

[Approved March 29, 1876.]

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

SECTION 1. Any person who shall kill or destroy, or cause to be killed or destroyed by any person in his or their employ, within the Counties of Mendocino, Del Norte, Humboldt, Placer, Lake, San Luis Obispo, and Colusa, a panther, or California lion, or grizzly bear, shall be entitled to the sum of ten dollars; an eagle, the sum of three dollars; a black or cinnamon bear, or coyote, the sum of five dollars; a wild cat or catamount, the sum of three dollars; and upon the presentation of a scalp or scalps of any of the above-named animals to any Justice of the Peace within either of said counties, and by oath or affirmation, or otherwise, prove to the satisfaction of said Justice of the Peace that the animals from which the said scalp or scalps presented were taken were killed or destroyed in said counties, and after the passage of this Act, the Justice shall at once destroy said scalp or scalps so presented, and shall issue a certificate as follows: I, ———, Justice of the Peace in and for said county, do certify that ——— has this day presented "number —" of scalps, respectively, and has furnished the necessary proof

Bounty fees;
Justice to
certify to
killing of
certain
animals.

that the animals from which said scalps were taken were killed or destroyed in said county, and is entitled to — dollars. —, Justice of the Peace in and for said county. In the year of our Lord one thousand eight hundred and —.

Claims, how paid.

SEC. 2. On the presentation by lawful holder of any one or more of said certificates to the Board of Supervisors of the said respective counties, the said Board shall consider and allow the same in like manner as other claims against the said county are allowed, and the same shall be paid out of the General Fund.

SEC. 3. The said scalps shall be taken as follows: Of the four-footed animals, both ears must be taken with the scalp, and the upper bill must be taken with the eagle's scalp; and if not so taken, no bounty shall be allowed or paid.

Justice's fee.

SEC. 4. Every Justice of the Peace who issues a certificate as provided for in this Act, shall be entitled to a fee of fifty cents, to be paid by the party to whom issued.

SEC. 5. The County of Humboldt will not pay bounty on the scalp of the eagle or coyote, as provided in this Act.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCXCII.—*An Act to reincorporate and extend the limits of the Town of San Buenaventura, in the County of Ventura, State of California, and also to change the name of Canada Street, in said town, to that of Ventura Avenue.*

[Approved March 29, 1876.]

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

Corporate rights.

SECTION 1. The corporation or body politic and corporate now existing and known as the Town of San Buenaventura, shall remain and continue to be a body politic and corporate in name and in fact, have perpetual succession, and be invested with all the rights and privileges conferred by and subject to all the liabilities, restrictions, and provisions of the general laws of the State of California providing for the incorporation of cities and towns.

Extension of corporate limits.

SEC. 2. The corporate limits of said town shall be extended so as to take in, in addition to its present corporate limits, the following described tract of land, to wit: Beginning at the intersection of the eastern boundary line of the present Town of San Buenaventura with low tide-water line on the Pacific Ocean; running thence along the line of low tide on said ocean southerly to the first barranca or gulch east of said town, known as Cemetery Barranca; thence in a northerly direction following the sinuosities of said barranca along the west bank thereof to a point on the bank of said barranca due east from the northeast corner of the present boundary line of the Town of San Buenaventura; thence due west to

the said northeast corner of the present boundary line of the said Town of San Buenaventura; thence south to the point of beginning.

SEC. 3. The name of Canada Street in said town is hereby changed to that of Ventura Avenue.

SEC. 4. The officers of the said corporation shall consist of a Board of five Trustees, a Treasurer, a Clerk, who shall be ex officio Assessor, a Marshal, who shall be ex officio Collector, an Attorney, and a Surveyor. City officers.

SEC. 5. The first Trustees, Clerk, and Marshal shall be elected at the usual time heretofore established by law for the election of similar officers of the Town of San Buenaventura, or, in case the town election of said town for the year A. D. eighteen hundred and seventy-six shall have taken place prior to this Act becoming a law, the town officers elected at said election shall constitute the first elective officers of the said town under this Act, and hold their offices until the first Monday in January, A. D. eighteen hundred and seventy-eight, and until their successors are elected and qualified. Elections; terms of officers.

SEC. 6. Succeeding Trustees, Clerks, and Marshals of the Town of San Buenaventura shall be elected on the first Monday in December, A. D. eighteen hundred and seventy-seven, and every two years thereafter; enter upon the duties of their offices on the first Monday in January succeeding their election, and hold their offices for the term of two years, and until their successors are elected and qualified.

SEC. 7. The Treasurer, Attorney, and Surveyor shall be appointed by the Board of Trustees, and hold their offices for two years, unless sooner removed for misconduct or neglect of official duty. They, and the Town Clerk and Marshal, shall give such bonds for the faithful discharge of their duty as the Trustees shall direct.

SEC. 8. It shall be the duty of the Clerk to keep the books, papers, and documents of the Board belonging to the town, to attend all meetings of the Board of Trustees and keep a record of all its proceedings, sign all warrants issued by order of said Board, and keep an accurate account of such warrants, their number and date, and he shall assess all taxes levied by the Board of Trustees. Duties of Clerk

SEC. 9. The Treasurer shall take charge of all moneys belonging to said town, pay all warrants issued by the Board of Trustees, signed by the President and countersigned by the Clerk, in the regular order of their presentation, and keep a correct account of all moneys received and paid out by him, and make monthly reports thereof to the Board of Trustees. Of Treasurer.

SEC. 10. The Marshal shall be a conservator of the peace, have power to suppress any riot, public tumult, disturbance of the public peace, to enforce all ordinances, and arrest all persons guilty of a violation of the same, and every citizen when required so to do shall lend him aid for the arrest of offenders, and the maintenance of the public peace. He shall have charge of the town prison and the prisoners therein, and shall see that all orders and sentences are fully executed and complied with. He shall perform the duties Of Marshal.

of Street Commissioner, and be governed therein by the provisions of this Act and such regulations or ordinances as the Board of Trustees may adopt relative thereto. He shall collect all licenses imposed by the Board that shall at any time be due the town, and all taxes levied by the Board, which, with all other moneys collected by him by virtue of his office, he shall pay over to the Treasurer at least once a month, taking duplicate receipts therefor, one of which he shall deposit with the Town Clerk. He shall, upon receiving the tax list of the town, proceed to collect the taxes at the same time and in the same manner now or may hereafter be provided by law for the collection of State and county taxes, and for said purpose shall be invested with all and the same powers to make collection of taxes by sale and conveyance of real estate as is or shall hereafter be conferred upon Collectors or Sheriffs for the collection of State and county taxes.

Oaths, etc.

SEC. 11. All town officers, whether elected by the people or appointed by the Board of Trustees, shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by law; and it shall be the duty of the Board of Trustees to declare vacant the office of any Trustee or other town officer who shall be absent from their regular meetings, or neglect to perform the duties of his office, for the space of sixty days.

Vacancies

SEC. 12. All vacancies occurring in the Board of Trustees more than six months before the next succeeding election, shall be filled by an election of the qualified electors of the town, and the Board of Trustees shall call a special election therefor. Vacancies occurring less than six months before the next succeeding election shall be filled by an appointment of the Board of Trustees.

Monthly meetings of Trustees

SEC. 13. The Board of Trustees shall meet on the first Monday of every month, unless such day shall be a holiday, when they shall meet the day following. They shall elect one of their number President, and a majority shall constitute a quorum. The President chosen shall act as Town Recorder, and as to offenses committed within the corporate limits of the town, in violation of town ordinances, have like jurisdiction as now is or hereafter may be conferred on Justices of the Peace. The Recorder, when acting as such, shall receive the same fees as are allowed by the laws of this State to Justices of the Peace.

Fees

Powers of Trustees.

SEC. 14. The Board of Trustees shall have power to pass and enforce ordinances for the purposes of securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fires; to impose licenses on the various kinds of business carried on within the corporate limits of the town that are or may be licensed for State and county purposes; to fix the class and amount of the same; to establish a pound for the impounding of estray and loose cattle of all kinds, mares, mules, jacks or jennies, horses, horned cattle, hogs, sheep, or goats, found running at large within the town; to appoint a Poundmaster; to regulate the impounding; to invest the Poundmaster

with authority to sell such cattle, mares, mules, jacks or jennies, horses, horned cattle, hogs, sheep, and goats, for the fees and expenses incurred, and give bills of sale for the same, which shall be prima facie evidence of ownership thereof; and for such other purposes as ordinances are generally required, so far as said ordinances shall not conflict with the general laws of the State.

SEC. 15. The Board of Trustees shall have power and it Taxes. is hereby made their duty to provide, by ordinance, for the levying and collection of town taxes, not to exceed fifty cents on the one hundred dollars' valuation of town property, and, in so doing, they shall conform as nearly as may be to the mode prescribed by the general laws of this State for the levying and collection of State and county taxes. The Board, or a committee of not less than three of their number, shall constitute a Town Board of Equalization, which shall, as soon as the Assessor has completed and handed in his assessment, after ten days' notice published in some newspaper published in the town, hold their meetings to hear and determine all complaints respecting the valuation of property fixed by the Assessor, and they shall have power to so modify and change such valuation as to make it, in their estimation, conform to the real cash value of the property assessed.

SEC. 16. All ordinances passed by the Board of Trustees Ordinances. shall be signed by the President and Clerk, and published not less than two weeks, before the same shall take effect, in some newspaper or supplement thereto, published in the town, and all notices of a general character shall be published in like manner.

SEC. 17. The Trustees shall have power to provide for the Streets, alleys, etc., right of way. opening, lighting, and keeping in good repair, streets and alleys, building of sidewalks, cultivation and care of plazas, and such other improvements as may be necessary for the general welfare of the town; and for the purpose of opening streets or alleys, the right of way is hereby granted through all lands belonging to the State, and such as belong to private individuals, upon the payment of due compensation to such individuals for such right of way or easement; and for the purpose of determining such compensation, the Town Trustees are empowered to appoint three appraisers, who shall be disinterested electors of the County of Ventura, who shall appraise the damages and assess the benefits accruing to such individuals who may object to the opening of any street or alley, and determine the amount of such compensation for said right of way, which shall only be done after giving at least twenty days' personal or other legal notice to all parties interested, of the time and place of hearing proofs, if any be offered, for the purpose of determining such compensation; and when such compensation has been so determined, the Board of Town Trustees shall tender the amount so determined to such individuals as the same may have awarded to, and if the awards are all accepted, the streets or alley ways shall be declared open; but if any award of damages is rejected by the land owners, the Board

must, by order, direct proceedings to procure the right of way to be instituted by the Town Attorney under and as provided in Title Seven, Part Three of the Code of Civil Procedure; and in all cases where parties have refused to take the amount tendered by the Town Board, and fail to recover a greater amount, such parties shall be taxed with the costs of the suit.

Real estate. SEC. 18. The Town Trustees shall have power to purchase and hold, they and their successors, in the name of the town, such real estate as may be necessary for public town uses.

Grading, etc., costs of. SEC. 19. The Trustees shall have power, and it shall be their duty, in grading and sidewalking streets, to estimate the cost of any such contemplated improvement, and levy an assessment of two-thirds of the cost thereof pro rata upon each front foot of real estate fronting on each side of any street they may have determined to improve, which levy and assessment shall become a lien upon such real estate, and may be foreclosed, and the amount, together with costs of the action, recovered in any Court of competent jurisdiction; the other one-third of the cost of such improvement shall be paid from the General Fund of the town, as shall also all the costs of all culverts and grading at the intersection of streets. All town improvements estimated to cost over one hundred dollars shall be let out by contract to the lowest bidder giving satisfactory security for the faithful performance of the work.

Trustees may issue bonds. SEC. 20. The Board of Trustees of said town shall have no power to borrow money nor contract any indebtedness for the ordinary purposes of town government or improvement, which shall exceed in the aggregate the amount of the assessment of taxes for such year, but in case it is deemed necessary, for the purpose of opening or lighting streets, building a Town Hall, establishing a permanent system of sewerage or other permanent improvements, they may issue bonds not to exceed in the aggregate two per cent. of the valuation of the town property, according to last preceding assessment roll; *provided, however*, that no bonds shall be issued, except upon the result of an election called for that purpose, wherein a majority of the citizens of the town shall have voted for issuing such bonds, nor shall any bonds issued by said Town Trustees bear a higher rate of interest than ten per cent. per annum, run for a longer period of time than ten years, or be sold for less than eighty-five per cent. of their par value in gold coin.

Election notices, etc. SEC. 21. It shall be the duty of the Town Trustees to give not less than ten days' notice of all elections for town purposes, and to appoint the Inspectors, Judges and Clerks therefor, to canvass the votes when returned to them, announce the result, direct the Clerk to issue certificates of election to those duly elected.

Present officers. SEC. 22. Officers of the present town government of the Town of San Buenaventura, or their successors, shall continue in office under this charter until their successors are elected and qualified, with all the powers and duties herein provided.

SEC. 23. Town Trustees shall receive as a compensation for their services three dollars each for each session of the Board actually attended by them; *provided*, that no Trustee shall be paid for more than twenty-four sessions in one year; all other town officers shall receive such salary or fees as the Board of Trustees may by ordinance allow. Fees and salaries

SEC. 24. All ordinances now in force and effect in the Town of San Buenaventura shall be and continue in full force and effect until amended or repealed by the Board of Trustees of said town, and so far as they do not conflict with the general laws of the State of California.

SEC. 25. Nothing in this Act shall be construed to extend any exclusive water, or other franchise, to any portion of the addition herein made to said town.

SEC. 26. All Acts or parts of Acts heretofore enacted by the Legislature of the State of California, in conflict with this Act, are hereby repealed.

SEC. 27. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIII.—*An Act concerning public roads in Lassen County.*

[Approved March 29, 1876.]

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

SECTION 1. All road districts in the County of Lassen are abolished, and no road districts shall hereafter be created in said county. Districts abolished.

SEC. 2. The Board of Supervisors of said county shall appoint a Commissioner of Highways for said county, who shall hold his office until the first Monday of March, one thousand eight hundred and seventy-eight (1878). At the general election in eighteen hundred and seventy-seven (1877), and every two years thereafter, a Commissioner of Highways shall be elected by the electors of said county, who shall hold his office for two years from the first Monday of March next succeeding his election, and shall receive a salary, to be fixed by the Board of Supervisors, not exceeding one thousand dollars per annum, to be paid quarterly out of the Road Fund of said county. Salary The Commissioner of Highways may be empowered by the Board of Supervisors to appoint not more than two deputies, who shall not be residents of the same supervisor's district, nor shall either of them be a resident of the supervisor district in which the Commissioner of Highways resides. Deputies salary of The deputies shall have the same powers and perform the same duties in their respective supervisor districts that the Commissioner of Highways has or may perform. The compensation of such deputies shall be fixed by the Board of Supervisors, not exceeding three hundred dollars per annum for each deputy.

Appoint-
ment of Com-
missioner

SEC. 3. The Board of Supervisors shall not appoint a Commissioner of Highways, except on the petition of at least seventy-five electors and tax-payers of said county.

Commis-
sioner to let
contracts.

SEC. 4. The Commissioner of Highways shall let out by contract the improvement of highways, and the construction and repair of bridges or other adjuncts to highways; *provided*, that when the amount of work to be done exceeds the sum of one hundred dollars, such contracts shall not be of any force until approved by the Board of Supervisors. The Commissioner may also, with the approval of the Board, let a contract to keep in repair any portion of any highway in said county, not exceeding twenty miles in length, and for a period of not more than two years; which contract shall be let in the same manner as other contracts under this Act.

Contracts,
how let.

SEC. 5. The Commissioner of Highways must not let any contract for work on the roads, until he shall have first given notice thereof by publication in some newspaper in said county, for at least two weeks, specifying the work to be done, and the time and place where and when the bids will be opened. All contracts let under the provisions of this Act must be awarded to the lowest responsible bidder; *provided*, that no bid shall be received unless accompanied by a bond, with at least two sufficient sureties, to be approved by the Commissioner, for the performance of the work; and the fact that such bonds will be required must be stated in the notice; and in all cases the Board of Supervisors shall have the power to reject all bids; *and provided further*, that this section shall not apply to contracts where the amount of work to be performed is less than one hundred dollars; but in such case the Commissioner shall let the contract in such manner as he may deem best, subject to the power of the Board to refuse to allow the claim when such contract has been fraudulently made, or where the amount to be paid is grossly in excess of the value of the labor performed.

Claims
against
county

SEC. 6. The Commissioner of Highways shall have the general supervision of all public roads in the county; and no money shall be paid for or on account of any work on any road, until the claim has been audited by the Commissioner and approved by the Board of Supervisors.

Report of
Commis-
sioner.

SEC. 7. The Commissioner of Highways shall make a report to the Board of Supervisors, at each session thereof, of the contracts let, to whom, the work to be performed, and the amount to be paid, all claims and demands audited by him, and all such other matters pertaining to the public roads as may be necessary, and shall attend each session of the Board, and consult with and advise them in relation to all matters pertaining to the roads of the county.

Felony.

SEC. 8. The Commissioner of Highways must not be either directly or indirectly interested in any contract let by him under the provisions of this Act. A violation of this section by the Commissioner of Highways is a felony, and the contract so made is void.

Changes in
highways.
petitions for.

SEC. 9. Whenever any petition is presented to the Board of Supervisors of said county, for the establishment of a new road or the alteration of an old road, the Board of

Supervisors shall require the petitioners to file a bond, in such sum as the Board shall direct, for the payment of all costs, and laying out and establishing such new road or changing an old road. Every road hereafter established and declared a public highway shall be open to travel by the public, but shall not be maintainable at the public expense, unless expressly so declared in the order establishing it; and whenever any new road is established and not declared maintainable at the public expense, the expense of laying out and establishing the same shall be paid by the persons petitioning for such road; and whenever any old road is changed, the expense shall be paid by the persons petitioning for such change, except where such change is made upon the recommendation of the Commissioner of Highways, in which case it shall be paid by the county.

SEC. 10. Any five or more tax-payers of the County of Lassen may, at any time, petition the Commissioner of Highways to make or cause to be made any improvements or repairs upon any highway maintainable at the public expense. The Commissioner shall thereupon let a contract for such improvement or repairs when, in his judgment, the public interest may require it, and there is money in the treasury to pay for the same; and if from any cause he refuse to let such contract, he shall report the petition, with his advice thereon, to the Board of Supervisors, on the first day of their next regular session, and the said Board shall thereupon hear such evidence as may be offered touching the necessity of such work; and if it appear that the interest of the public require it, they shall make an order directing the Commissioner to cause such work to be done; and if the Commissioner fail to report the petition as herein provided, the petitioners may nevertheless apply to the Board, at said time, for an order directing the Commissioner to cause such work to be done, which application shall be heard and determined in the same manner as on the report of the Commissioner. But this section shall not be construed to prohibit the Commissioner from making improvements or repairs without such petition.

Improvements on roads

SEC. 11. Every male inhabitant of the County of Lassen, over twenty-one and under fifty years of age, must pay a road poll-tax of three dollars per annum. The Assessor of the county must enter upon the assessment roll of the county, opposite the name of every person liable to road poll-tax, the figure one, under the appropriate heading; and such tax must be collected by the Tax Collector of the county, at the same time and in the same manner that other poll-taxes are collected, and the Tax Collector shall receive the same fees for collecting as in the collection of other poll-taxes.

Road poll-tax.

SEC. 12. All petitions for the laying out and establishing a new road, or altering or discontinuing an old one, must be presented to the Board of Supervisors and acted upon by them.

SEC. 13. All the provisions of the Political Code in relation to highways are hereby made applicable to the County of Lassen, except so far as inconsistent with this Act.

Code.

Bond of
Commissioner.

SEC. 14. The Commissioner of Highways must, before entering upon the duties of his office, take the oath of office, and give an official bond, with at least two sufficient sureties, in the sum of five thousand dollars, to be approved by the County Judge. All vacancies in the office of Commissioner of Highways shall be filled by appointment by the Board of Supervisors.

SEC. 15. All notices required to be given, or suits authorized to be brought by the Road Overseer or Commissioner of Highways, under the provisions of the Political Code, and not inconsistent with the provisions of this Act, must be given or brought by the Commissioner of Highways of said county, as created by this Act.

Transfer of
funds.

SEC. 16. The Board of Supervisors of said county are hereby authorized and directed to transfer the moneys in the Swamp Land Fund of said county to the Road Fund.

Swamp
Land Fund.

SEC. 17. The Board shall levy annually, at the same time other county taxes are levied, a sum not exceeding thirty cents on each one hundred dollars of taxable property, for the Swamp Land Fund, until the amount transferred is repaid.

Claims on
Swamp
Land Fund.

SEC. 18. If at any time any owner of swamp and overflowed lands in said county becomes entitled to receive any portion of the money so transferred from said fund, and there is not sufficient money therein to pay the same, the Board of Supervisors must transfer the money from the Road Fund of said county for that purpose; and if still insufficient, the balance shall be paid from the Contingent Fund; and the amount so transferred from the Contingent Fund shall be repaid from the Road Fund when there is sufficient money therein for that purpose.

SEC. 19. All taxes collected for road purposes in said county shall be collected by the Tax Collector of said county, and shall be paid into the county treasury and disbursed as other county moneys.

SEC. 20. All Acts and parts of Acts in conflict with this Act are repealed, so far as they do conflict.

SEC. 21. This Act shall take effect immediately.

CHAP. CCCXCIV.—*An Act to prevent the trespassing of animals in Judicial Townships Numbers One and Ten of Placer County.*

[Approved March 29, 1876.]

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

Owners may
take up
animals.

SECTION 1. Any owner or occupant of any land or possessory claim in Judicial Townships Numbers One and Ten, or either of them, in Placer County, finding any horse, mare, mule, jack, jennet, horned cattle, sheep, goat, or hog, or any number of such animals, upon such land or possessory claim,

having done, or doing any damage, whether the said claim be inclosed by a lawful fence or not, may take up and safely keep such animal or animals, at the expense of the owner, for ten days, and shall be allowed for keeping said animals the following-named sums: For each horse, mare, jack, or jennet, at the rate of twenty cents per day; for each head of horned cattle, the sum of twenty cents per day; for each sheep, five cents per day; and for each goat or hog, the sum of ten cents per day; *provided*, that no charge to exceed five dollars per day shall be demanded on any number of sheep or goats.

SEC. 2. When the owner or owners of such animal or animals are known, and reside in or near either of the said townships, they shall be forthwith personally notified; but, if at a greater distance from the place of taking up than ten miles, a notice of such detention, and the reason thereof, shall be served by depositing the same, post-paid, in the nearest post-office, directed to the owner or owners, or agent, at the post-office nearest to his or their place of residence. When the owner, owners, or agent are not known, and the marks and brands are not to be found in the records of Placer County, or in the absence of any marks or brands, a complete description of the animal or animals shall be posted conspicuously in three public places in the township in which said animals were taken up, for twenty days, stating the cause of the detention.

SEC. 3. If the claimant of such animal or animals comes forward within ten days after the time of such notice, and prove them to be their property, the person having taken up the said animals shall deliver them to such claimant or claimants, upon their paying all costs, charges, and damages, sustained by reason of their trespassing.

SEC. 4. If, however, the owners do not come forward within ten days, then the person having taken up such animals shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell, at public auction, after giving ten days' notice of such sale, by posting notices in three public places in said township, all such animals so taken up; *provided, however*, that the owners may prove their property and recover it by paying all costs, charges, and damages, at any time before such sale takes place.

SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount thereof. Should the owners not come forward, then any Justice of the Peace of the township in which said animals have been taken up shall appoint two disinterested persons, and they may choose a third person to determine the amount. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by the authority of this Act; and he shall immediately pay over all moneys arising from such sale to a Justice of the Peace of the township wherein such sale takes place.

Proceeds of sales.

SEC. 6. Any overplus of the proceeds of such sale, after satisfying the costs, charges, and damages, shall be paid by the Justice of the Peace to the owner of the property, upon the production of satisfactory proof of the right thereto, if demanded within twenty days from the day of sale; otherwise it shall, at the expiration of that time, be immediately paid to the County Treasurer, to be held by him for the term of twelve months, subject to the demand of the owner, on production of proof of right thereto, and, at the expiration of that time, the money, if not claimed, shall be paid into the County School Fund, for the benefit of the same.

SEC. 7. It is hereby made a part of the duty of the Justices of the Peace of each of said judicial townships to procure from the County Recorder's office a full list of all marks and brands of record in Placer County.

When owners may redeem.

SEC. 8. Any owner or owners of any animal or animals seized under the provisions of this Act may, at any time previous to the sale, demand, and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of his right thereto, and paying his proportion of the fees, charges, and damages, and after the sale may, at any time within three months, redeem said animal or animals, by producing satisfactory proof of his right thereto, and paying to the purchaser the amount of the purchase money, with interest at the rate of three per cent. per month, and the reasonable costs of keeping said animals.

Record of sales.

SEC. 9. The Justice of the Peace shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made under the provisions of this Act, a description of the animals sold, the price paid, the name of the purchaser, amount of fees, charges, and damages, and the amount of surplus money, if any, arising from such sale; and if such surplus money shall be received by the owner of any animal he shall receipt for it on the margin opposite such record; and the Justice of the Peace shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice of the Peace for all such sums paid.

Fees.

SEC. 10. The fees of the Justice of the Peace for services rendered under this Act shall be fifty cents for each receipt taken, and twenty-five cents for each description entered in his book; *provided*, that sheep, goats, and hogs shall be described in lots according to marks. For other services the same fees shall be allowed as are allowed under the general fee bill for similar services in other civil actions, and the fees of the Constable for services under this Act shall be the same as are allowed by the general fee bill.

SEC. 11. Nothing in this Act shall be construed so as to prohibit persons from driving stock along the public highway, nor from watering stock at the natural watering-places.

Misde-meanor.

SEC. 12. Any person who shall drive stock from land other than his own, or to any lands or possessory claim, for

the purpose of taking advantage of any provision of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five nor more than three hundred dollars, or be imprisoned in the County Jail not less than ten nor more than sixty days.

SEC. 13. The owner or occupant of any lands, whether inclosed or not, upon which damage has been done by any of the animals referred to in section one hereof, may, instead of pursuing the remedy given in this Act, have an action for damages in any Court of competent jurisdiction against the owner of such animals.

SEC. 14. If the owner or occupant of land intends to institute proceedings under the preceding section, he must first, within ten days after the damage has been done, cause the same to be viewed and estimated, and the estimate reduced to writing by two residents of the county, competent to be witnesses on the trial of such actions, and he shall commence his action within two months after the damage was done.

SEC. 15. Any animal or animals sold under the provisions of this Act shall not be removed from the county until after the expiration of the time given for redemption in section eight hereof.

SEC. 16. This Act shall take effect on and after the first day of September, A. D. eighteen hundred and seventy-six.

CHAP. CCCXCV.—*An Act to authorize the Mayor and Common Council of Salinas City to build a school-house in said city, to issue bonds therefor, and to provide for the payment of the same.*

[Approved March 29, 1876.]

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

SECTION 1. The Mayor and Common Council of Salinas City are hereby authorized and empowered to issue the bonds of said city, for an amount not exceeding ten (10) thousand dollars, bearing interest at the rate of seven per cent. per annum. Coupons for semi-annual interest shall be attached to each bond, and said bond and coupons shall be signed by the Mayor, and countersigned by the City Treasurer and City Clerk of said city.

SEC. 2. The money arising from the sale of said bonds shall be used for the building of a school-house or houses in said city, and furnishing said house or houses with the proper school furniture, apparatus, and outfit, so as to be made most efficient for school purposes under the general school laws of this State.

SEC. 3. The bonds authorized to be issued by the provisions of this Act shall be due and payable in gold coin of the

United States, at Salinas City Bank, on the first day of July, one thousand eight hundred and ninety-four; *provided*, that the Mayor and Common Council of said city shall have power, and they are hereby authorized to redeem said bonds before their maturity, as hereinafter provided. The interest on said bonds shall be due and payable in gold coin of the United States, on the first days of January and July, in each year, at the Salinas City Bank.

Cancellation.

SEC. 4. All coupons for interest, when paid, shall have the word canceled written across the face of the same, with the date of said payment, by the City Treasurer, who shall deliver them to City Clerk, taking his receipt therefor. Said City Clerk shall file and preserve such coupons, and upon the books of his office record the transaction.

Special interest tax.

SEC. 5. For the purpose of paying the interest on the bonds authorized to be issued by this Act, the Mayor and Common Council, at the time of levying city taxes in each year, shall levy a special tax on the taxable property in said city sufficient to pay interest on the bonds outstanding, as said interest falls due. Said taxes shall be assessed and collected in the same manner as other city taxes, and by the City Treasurer set apart as a special fund to be known as the Salinas City School Building Fund, and it shall be the duty of the City Treasurer to pay said coupons out of said fund, as the same shall fall due.

SEC. 6. If the special tax authorized by section five of this Act shall be insufficient to pay all the interest due in any one year, then the City Treasurer shall pay the same out of the General City Fund, and he shall retain on hand sufficient of such fund to meet such payments.

Redemption tax.

SEC. 7. In and for the year eighteen hundred and eighty, and annually thereafter until all of said bonds are redeemed, the Mayor and Common Council of said city shall levy and cause to be collected annually, a tax sufficient to pay ten per cent. on the amount of said bonds. The tax to be levied and collected under the provisions of this section shall be assessed and collected as other city taxes, and by the City Treasurer set apart as a special fund to be known as the Salinas City School Building Fund.

Notice of redemption.

SEC. 8. Whenever there is in said Redemption Fund the sum of one thousand dollars or over, the City Treasurer shall advertise in some newspaper printed in Salinas City, once a week for four consecutive weeks, that he is prepared to receive proposals for the redemption of an amount of said bonds equal to the money in said fund, specifying the time and place for opening said proposals. Said proposals shall be opened publicly, in the presence of the Mayor and City Clerk; *provided*, that no bid above par value shall be considered, and the bonds shall accompany all bids. In case of the proposals for the surrender of said bonds, at par value or less, should not absorb the whole amount in said Redemption Fund, then the City Treasurer shall advertise in the same manner as provided for in this section for advertising for proposals for redemption of bonds, that he is prepared to redeem, at par value, a certain amount of said bonds, in the

Proposals.

numerical order in which they were issued, stating the numbers. The interest upon the bonds so advertised by the City Treasurer to be redeemed shall cease from and after the date of said advertisement. On the redemption of any of the said bonds, the City Treasurer shall cancel the same by writing across the face the word paid, with the date of redemption and the amount paid, and also sign said statement, deliver said bonds, and any coupons that may be thereto attached, to the City Clerk, taking his receipt for the same; and the City Clerk shall file said bonds and coupons in his office, and make a record of the same.

SEC. 9. Before the sale of any of said bonds, the Mayor and Common Council shall, at a regular meeting, cause to be entered upon the record of the Council an order directing the sale of a specified amount of bonds, and shall cause to be inserted in a newspaper published in Salinas City, a notice that sealed proposals will be received by the Mayor and Common Council for the purchase of said bonds. Said notice to be published once a week for four successive weeks, and shall state the time and place for the opening of said proposals. At the time and place named in said notice, the Mayor and Common Council shall publicly open said proposals and award the purchase of said bonds to the highest responsible bidder; *provided*, that said Mayor and Common Council may reject any and all bids; *and provided further*, that no bond shall be sold for less than ninety-five cents on the dollar, par value; *and provided*, that nothing but gold coin of the United States shall be received for said bonds.

SEC. 10. A full and complete record shall be kept by the Mayor and Common Council of the number, date, and amount of each bond, and all proceedings relating thereto.

SEC. 11. The proceeds of the sale of said bonds shall be paid into the city treasury, and used only for the purposes mentioned in this Act.

SEC. 12. The Mayor and Common Council are hereby authorized to pay out of the moneys arising from the sale of said bonds the necessary expenses attending the preparation, advertisement, and sale of said bonds.

SEC. 13. This Act shall take effect immediately.

CHAP. CCCXCVI.—*An Act concerning water ditches and water privileges for irrigating, mining, and manufacturing purposes, in the Counties of Fresno, Tulare, and Kern.*

[Approved March 29, 1876.]

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

SECTION 1. The Board of Supervisors of the Counties of Fresno, Tulare, and Kern, are hereby made ex officio Water Commissioners in and for said counties; they shall have the power and shall perform the duties hereinafter set forth.

Duties.

SEC. 2. They shall procure a suitable book, and their Clerk shall keep therein a full record of all their official acts as such Water Commissioners, which shall be open to the inspection of any citizen.

SEC. 3. No ditch shall hereafter be taken out of any stream in the waters of which different persons have an interest by virtue of prior appropriation, without leave of said Commissioners.

Petitions for use of water.

SEC. 4. Any person or persons desiring to construct a ditch and appropriate water for irrigation, manufacturing, or mining purposes, shall file a petition with said Commissioners, setting forth the stream from which they intend to take the water, the point where the proposed ditch will commence its general course, and the proposed size thereof; whereupon the said Commissioners may grant the right to construct said ditch, and to use water sufficient to fill the same, for the uses and purposes set forth in said petition; *provided*, that nothing herein contained shall be so construed as to affect the right and privileges of those who, by prior appropriation and by actual use, have secured the right to the use of water from the several rivers and streams of Fresno, Tulare, and Kern Counties.

Right of way, damages.

SEC. 5. Said Commissioners shall have power to grant the right of way to lay out and construct ditches through any lands in said counties, and any person damaged thereby, or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties interested; and in case the parties cannot agree, each party shall choose an arbitrator, and the two chosen shall choose a third; and such arbitrators shall assess the damages sustained under oath, which sum shall be paid before the ditch is constructed, by the parties using the water, in proportion to their several interests therein; and the decision of said arbitrators shall have the force and effect of a judicial decision; *provided*, that in case any of the parties herein shall refuse to choose an arbitrator, then the parties desiring the right of way may apply to the District Court of such county and have such right of way condemned under Title Seven, Part Three of the Code of Civil Procedure; and in all cases when the right of way to construct ditches, and fill the same with water, the right to fix maximum rates to be charged by ditch owners for water per inch is expressly reserved to such Board.

SEC. 6. The owners of water ditches may make such rules and regulations for the government of their several companies, not repugnant to the Constitution and laws of the State of California, as a majority of them may deem just and proper, and elect such officers for the transaction of their business as they may require; *provided*, that in all meetings of water ditch companies each owner shall be entitled to a vote in proportion to his or her interest therein.

Misdemeanor.

SEC. 7. All water ditches shall be kept in good repair by the owners thereof; and any member of the said Board of Commissioners shall have power to close or authorize any other person to close and shut off the water from any ditch not in good repair; and any person opening or turning in

the water into such ditch before the same is repaired shall be deemed guilty of a misdemeanor.

SEC. 8. When any ditch shall break so as to cause a loss or wastage of water, or shall overflow its banks, any person shall have a right to notify, either verbally or in writing, any owner in the said ditch; and if the said ditch is not repaired within forty-eight hours after the time when such notice is given, then any person shall have the right to repair said ditch, and shall have the right of action to recover in any Court of competent jurisdiction, from the owners of said ditch, or any of them, double the cost of suit.

Action for damages.

SEC. 9. Whenever a majority in interest of the owners in any ditch company, or their authorized agent, shall deem it necessary to repair, enlarge, or extend their ditch, they shall cause a notice, either written or verbal, to be served upon each owner therein, specifying a time to commence work therein; and any owner therein neglecting or refusing to perform his proportion of such labor, or pay his proportion of the cost thereof, shall forfeit his right to the use of any water from such ditch until such time as he pays the same to the person or persons performing his proportion of such labor, together with ten per cent. per month thereon additional. The number of hours constituting a day's labor, and the value thereof, shall be determined by the respective water ditch companies in the rules and regulations they may severally adopt. Leaving the notice contemplated in this section at the residence of any owner in a ditch company, with any member of his or her family over the age of fifteen years, shall be deemed a sufficient service for the purposes of this Act. Every person owning an interest in any water ditch, or owning any interest in the use of the water therein, shall be considered a member of such water ditch company.

Extension of ditches, etc. Notice to all owners.

SEC. 10. The Board of Water Commissioners of the said counties are hereby authorized to fix by order, and make a record of the same, in a book kept for that purpose, the maximum rate to be charged by ditch owners for water, per inch, for irrigation, manufacturing, or mining purposes, which rate shall apply to ditches heretofore as well as to those hereafter constructed, whether under and by virtue of this Act or any previous law of this State.

Commissioners to fix rates.

SEC. 11. All Acts and parts of Acts, so far as they conflict with the provisions of this Act in the counties herein named, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCVII.—*An Act to amend an Act entitled an Act to reincorporate the City of Napa, approved February twenty-fourth, one thousand eight hundred and seventy-four.*

[Approved March 29, 1876.]

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

City boundaries.

SECTION 1. Section two of said Act is hereby amended so as to read as follows: Section 2. The boundaries of said city shall be as follows: Commencing at the northwest corner of Spencer's Addition, on Lincoln Avenue; thence eastwardly along the center of said avenue to Francus Street; thence southwardly along the center of said street to its intersection with Laurence Street, in Cornwell's Addition; thence at right angles eastwardly to Napa River; thence down said river to the center of First Street; thence along the middle of the county road eastwardly and southerly to the south line of East Napa; thence along said south line of East Napa westwardly to the center of Napa River; thence down said river to the south line of Napa Abajo; thence along said line westwardly to the southwest corner of said Napa Abajo; thence northerly to the southeast corner of Eaton's land; thence along the south line of said Eaton's land westwardly to the Sonoma road; thence northerly along the center of said road to the Brown's Valley road; thence along the center of said Brown's Valley road westwardly to Ornduff's southeast corner; thence along Ornduff's east line northerly to the center of Napa Creek; thence down said creek eastwardly to the west line of Spencer's Addition; thence northerly to the place of beginning.

Corporate powers, how vested.

SEC. 2. Section three of said Act is hereby amended so as to read as follows: Section 3. The corporate powers of the City of Napa shall be vested in a Board of five Trustees. The officers of said city shall be a Board of five Trustees, a City Treasurer, a City Assessor, a City Clerk, a City Collector, a City Marshal, and a City Attorney. The Marshal shall be ex officio Assessor. The Treasurer shall be ex officio Collector and Clerk. An election shall be held annually, by the qualified electors of the city, on the first Monday in May, for the election of two or three Trustees, a Marshal and ex officio Assessor, and a Treasurer and ex officio Collector and Clerk. Two Trustees shall be elected at the election to be held in May, A. D. eighteen hundred and seventy-six, and two each alternate year thereafter; and three Trustees shall be elected at the election to be held in May, A. D. eighteen hundred and seventy-seven, and three each alternate year thereafter. Three of the present Board of Trustees shall hold office for one year in addition to their present term; said three to be selected by the present Board of Trustees by lot, and said Marshal and ex officio Assessor, and Treasurer and ex officio Collector and Clerk, shall hold their offices for the term of one year and until their successors are chosen and qualified. Any person shall be qualified

City elections.

to vote for any city officer, or hold any city office, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the city thirty days next before the election. All elections shall be conducted by three Judges, to be appointed by the Board of Trustees, and they may appoint two Clerks of Election. Should the Judges, or any of them, fail to attend, the electors present may appoint others in their stead. Notice of all elections shall be given by the publication in some newspaper published in the city, at least seven days before such election. All elections shall be conducted in the same form and manner, and according to the laws regulating elections, and returns shall be made by the Judges to the Board of Trustees, with a list of the persons voting at such election, and the ballots cast; and the Board shall, at their first regular meeting after such return, canvass the same, declare the result, and issue certificates of election to the person or persons having the highest number of votes at such canvass. The Board shall, at the request of any elector, recount the ballots and declare the result in accordance with such recount; *provided*, that at such election no copy of the Great Register shall be necessary; but the Judges of Election may require any voter to produce a certificate of registration from the County Clerk; *and provided*, that the election of Trustees may be contested in the County Court in the manner prescribed by Title Two, Part Three, of the Code of Civil Procedure, the word "city" being substituted for "county," whenever the same is used in said title. In case of a vacancy, arising from any cause in any of the offices made elective by this Act, the Board of Trustees shall order and give notice of an election to fill such vacancy, unless the unexpired term of said office shall be less than three months, in which case the Board of Trustees shall, if necessary, fill said office by appointment.

Electors.

Recount of ballots.

Vacancies.

SEC. 3. Section four of said Act is hereby amended so as to read as follows: Section 4. The Board of Trustees shall appoint a City Attorney, who shall be an attorney-at-law, and all non-elective officers provided for in this Act, and may remove them at pleasure and put others in their place.

City Attorney, etc.

SEC. 4. Section five of said Act is hereby amended so as to read as follows: Section 5. The compensation of the officers shall be as follows: The Trustees, each one dollar per annum; the Assessor, Treasurer, Marshal, City Clerk, Collector, and City Attorney, such sum per annum as the Trustees may determine; *provided*, that the annual compensation so allowed the said officers shall not exceed the following sums, to wit: The Treasurer, as Treasurer and ex officio Collector and Clerk, the sum of five hundred dollars; the Marshal, as Marshal and ex officio Assessor and Collector of poll and dog taxes, the sum of five hundred dollars; the City Attorney, the sum of five hundred dollars. The Marshal and City Attorney shall, in addition to the sum allowed by the Trustees, receive such fees and commissions as may be provided for them in this Act.

Salaries of city officers.

Fees.

Ordinances.

SEC. 5. Section nine of said Act is hereby amended so as to read as follows: Section 9. The Board of Trustees shall cause to be published in some newspaper in the city, all ordinances which shall be certified and signed by the President and Clerk of the Board, and no ordinance shall take effect and be in force until ten days from the first publication thereof; and the President of the Board may, without any order or direction of the Board, cause any ordinance to be enforced, or the violation thereof punished, by an action in the name of the corporation, as hereinafter provided, or otherwise; and in any action or proceeding, either civil or criminal, for a violation or breach of any ordinance of the City of Napa, a copy of such ordinance, published or purporting to have been published by authority, or published or purporting to have been published in the official newspaper of the city, shall be prima facie evidence that such ordinance has been regularly and legally passed and authenticated, and that the provisions of the ordinance are as published, and that such ordinance was published by order of said Board of Trustees at the date when said publication purports to have been made. In case of the absence of the President at any meeting of the Board, a President pro tem. must be appointed. Should any Trustee or other officer remove from the city, or refuse or neglect to qualify within ten days after his election, or, if a bond is required of him, neglect or refuse for said time to give bond, his office shall become and be declared vacant by the Board.

Neglect of officers to quality.

General powers of Trustees.

SEC. 6. Section eleven of said Act is hereby amended so as to read as follows: Section 11. The Board of Trustees are hereby authorized and empowered to enact such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary or proper in the exercise of the powers herein conferred upon them. The Board of Trustees shall have power:

Finances.

First—To manage and take care of the property and finances of the city.

Streets.

Second—To provide for laying out, opening, widening, extending, altering, vacating, working, grading, improving, and repairing streets, avenues, and alleys, and public parks and squares, and for preventing and removing nuisances or obstructions therein, and for acquiring or condemning lands for city purposes and highways, by purchase or by proceedings prescribed by Title Seven, Part Third of the Code of Civil Procedure; *provided*, that the Trustees shall not vacate any street, avenue, or alley, or portion thereof, without the consent of the owners of at least two-thirds of the frontage on said street, avenue, or alley.

Grades.

Third—To establish the grade of all streets, avenues, and alleys, and to require and enforce conformity thereto.

Drainage.

Fourth—To provide for the drainage and sewerage of the city.

Fire department.

Fifth—To establish and regulate a fire department, and provide such means, measures, or materials for the prevention or extinguishment of fires, as they may deem necessary to protect the city from fire.

Sixth—To provide the streets and city buildings with gas and water necessary for their proper use, and to grant to any gas or water company authority to lay down pipes in the streets, avenues, and alleys of the city, for the supply of gas and water for the streets and buildings, for a term not exceeding twenty-five years; but they shall reserve the right to grant similar privileges to other companies, and shall require the laying down of pipes to be under the reasonable directions of the city authorities, and to be so laid as to do no injury to the proper use of paving, planking, or macadamizing of streets, avenues, or alleys, nor to property situated thereon, and they shall impose such restraints and conditions upon the location and construction of gas and water-works and pipes as shall secure the least possible public or private inconvenience, and they shall provide for the enforcement of such restrictions and conditions; they may contract with gas and water companies for supplying the streets, public buildings, and cisterns with necessary gas and water for the public use, but no contract shall extend beyond the term of office of the members of the Board making such contract; *provided*, that the city shall not contract nor become liable to pay more than one-half of the expense of lighting streets, and no street, avenue, or portion thereof shall be lighted with gas until the persons petitioning for the same shall contract with the company furnishing gas, to pay at least one-half of the expense of such lighting.

Seventh—To license and impose and collect a license tax upon theaters, concerts, circuses, shows, and other entertainments and exhibitions to which an admission fee is charged; also, upon bars at which spirituous or malt liquors are sold; also, upon billiard tables and bowling alleys kept for gain or hire. And they may impose a license tax upon any and all business not prohibited by law.

Eighth—To prohibit and suppress gaming and gambling-houses, dance-houses, fandangos, disorderly houses, and houses of ill-fame, immoral or indecent amusements, exhibitions, or shows, nuisances of every description, and all kinds of vice and immoral and indecent conduct, and to provide, by ordinance, that all drinking-saloons, bars, bar-rooms, or places where vinous, malt, or spirituous liquors are sold, dispensed, or given away, to be drunk on the premises, shall be closed in the night time at such hour as they may fix.

Ninth—To levy and collect annually a tax on all property in the city, not exceeding thirty-five cents on each one hundred dollars of the assessed valuation thereof, and to prescribe the manner of making assessments and of collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid; and such lien shall take precedence of all mortgages and other liens, except the lien for State and county taxes.

Tenth—To levy and impose assessments upon property fronting on streets, avenues, and alleys, for the purpose of paying the costs and charges of grading, improving, working, repairing, draining, and laying sewers in said streets,

avenues, and alleys, or constructing sidewalks therein, and to provide for the enforcement and collection of assessments by sale of such property, if necessary; *provided*, that real property sold for delinquent taxes or assessments shall be sold to the person who will take the least portion of the property and pay the tax or assessment due thereon, and all costs and charges, and all such sales shall be subject to redemption, as in other sales under execution.

Poll-tax. *Eleventh*—To impose and collect a poll-tax, not exceeding two dollars per annum, on every male inhabitant of the age of twenty-one years and under sixty years, and to enforce the payment thereof by the sale of property, or otherwise, which said poll-tax shall be collected by the City Marshal.

Dog tax. *Twelfth*—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal.

Explosives. *Thirteenth*—To regulate or prevent the keeping of gunpowder, hay, and other dangerous or inflammable substances within the city.

Fourteenth—To require any land or building to be cleaned, at the expense of the owner or occupant thereof, and upon his default, after notice, to cause the work to be done and to assess the expense upon the land or building.

Pound. *Fifteenth*—To prohibit and prevent the running at large of any or all domestic animals within the limits of the city, and to establish and maintain a pound for such animals, and to appoint a Poundmaster, or confer the duties of Poundmaster upon the Marshal, who shall be paid out of the fines collected from the owners of animals impounded, or from the sales of such animals, and from no other source.

Penalties. *Sixteenth*—To prescribe penalties and forfeitures for the breach or non-observance of the city ordinances, but no penalty shall be imposed on any person, for any one breach of any ordinance, exceeding one hundred dollars. Such penalties may be recovered before any Justice of the Peace having his office within the corporate limits of the city, by civil suits, brought by the City Attorney, in the name of the corporation, and against the person violating any ordinance, and execution to collect the same shall be issued as in other civil cases; and in such cases persons living in the city, if in other respects competent and qualified, shall be competent jurors; and when judgment is rendered in any such action for the city, there shall be taxed as costs against the defendant, in addition to other costs, the sum of ten dollars, which the City Attorney shall receive as his fee. All penalties and forfeitures so collected shall, by the officer receiving the same, be paid over to the Treasurer of the city; *provided*, that under no circumstances shall the city be liable for the fees of the attorney.

Police. *Seventeenth*—To establish a police department, and appoint policemen and watchmen, and regulate the proceedings and conduct of the same, and to discharge the same.

Prison. *Eighteenth*—To establish and regulate a city prison; *provided*, that the Trustees may contract with the Sheriff of the

County of Napa for the keeping of the city prisoners in the jail of said county; and said Sheriff is hereby authorized to contract with said Trustees for the keeping of said city prisoners. And in case of such contract being made, the County Jail of said County of Napa shall be the city prison, and the Sheriff shall be the City Jailer, with like duties and powers as are vested in him in relation to the prisoners committed to his custody under the statute.

Nineteenth—To build or rent buildings for the use of said city, and for the use of the fire and police department thereof. Public buildings.

Twentieth—To provide for the formation of a chain-gang for persons convicted of crimes or misdemeanors, or breach of violation of city ordinances, and for their proper employment for the benefit of the city. Chain-gang.

Twenty-first—The Board of Trustees may provide for the punishment, by fine or imprisonment, or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the people of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors created by statute. And said Justice's Court shall have jurisdiction over breaches and violation of city ordinances, and non-compliance therewith; and the proceedings in such cases shall be in the name of the people of the State of California, and in like form as the proceedings in criminal cases, created by statute; *provided*, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any one offense shall exceed one hundred days. Justices to have jurisdiction.

An alternative judgment may be rendered, imposing a fine, and, on failure to pay the same, imprisoning the person one day for each dollar of such fine; such imprisonment shall be in the City Prison. In proceedings for the breach, violation of, or non-compliance with any city ordinance, Justices of the Peace, Constables, and police officers may receive the same fees as are allowed for similar services in cases of misdemeanor prosecuted under the statute, and all fines and penalties imposed and collected in proceedings for breach or violation of, or non-compliance with a city ordinance, shall be applied to the payment of the costs of the proceedings, including the sum of ten dollars, which the City Attorney shall receive as his fee, and the balance, if any, shall be paid into the city treasury. Fines.

Twenty-second—And, in addition to the powers herein expressly granted, the Board of Trustees shall have power to pass such other by-laws and ordinances for the regulation and police of the city as they may, from time to time, deem necessary. Fees.

Twenty-third—To provide for the opening and closing of the draw and repairs of Third-street Bridge, not to exceed four hundred dollars per annum. Draw-bridge.

SEC. 7. Section eighteen of said Act is hereby amended so as to read as follows: Section 18. The City of Napa shall not pay for establishing the grade, grading, working, improving, or repairing streets, avenues, or alleys, sidewalks or Expenses of grading, etc.

crossings, but all such expenses shall be assessed upon the property fronting on such streets, avenues, and alleys, as hereinafter provided.

Petitions for
improvements.

SEC. 8. Section nineteen of said Act is hereby amended so as to read as follows: Section 19. When the owners of more than one-half in frontage of the property fronting on any street, avenue, or alley, or portion thereof, between the centre line of two cross-streets, or between the centre line of a cross-street and the terminus of such street, avenue, or alley, shall desire to have the grade established, or to grade, fill, plank, pave, macadamize, or gravel the same, construct sidewalks along or sewers therein, or otherwise improve or repair the same, and shall petition the Board of Trustees in writing, asking that the same may be done, the Board may order said work to be performed, as requested, at the expense of the property fronting on said street, avenue, or alley, or portion thereof, to be assessed upon it in proportion to the number of front feet of the several lots, except as hereinafter provided in relation to the expense of constructing sewers in said streets; *provided*, that the expense of working the portion of said streets, avenues, or alleys, crossed by other streets, avenues, or alleys, including culverts and street crossings therein, shall be borne by the property constituting the frontage of the quarter block on the two streets adjoining and cornering upon the improvement done upon ground common to both streets, and shall be assessed upon the several lots in proportion to the number of front feet in each, except as hereinafter provided in relation to constructing sewers; *and provided further*, that when any of the petitioners for any such improvement of any street, avenue, or alley, shall have already, at their own expense, constructed the proposed improvement in front of their lots and to the center of the street, no part of the cost of the work to be done shall be assessed to them or on their property, but they shall be assessed with their proportional share of the expense of the proceedings only.

Same

SEC. 9. Section twenty of said Act is hereby amended so as to read as follows: Section 20. Whenever a petition shall be presented to the Board, as provided for in the preceding section, they shall, if necessary, order a survey of the proposed improvement to be made by some competent person selected by them, and such person shall make and report specifications in detail of the work necessary to be done. If such report be satisfactory to the Board, they shall cause notice to be given in some newspaper published in the city, for at least two weeks, inviting sealed proposals for the construction of said work, within a time specified, according to such specifications or petition, to be filed with the Clerk on or before a day mentioned in such notice. Each bid shall be accompanied by a bond, with at least two responsible sureties, in an amount to be fixed by the Board, conditioned that the bidder will enter into a contract with the Board for the performance of said work, should his bid be accepted. All bids should be in such form that the sum to be paid for any portion of the work, less than the whole, may be easily

Notice to
contractors.

computed; *provided*, that when the petition is for establishing the grade of a street, avenue, or alley, the Board may, in the first instance, appoint some competent surveyor to survey and establish such grade; *and provided further*, that when the petition shall sufficiently specify the work to be done, the Board may immediately invite bids to perform the work specified in the petition.

SEC. 10. Section twenty-three of said Act is hereby repealed. Section repealed.

SEC. 11. Section twenty-four of said Act is hereby amended so as to read as follows: Section 24. The Board shall enter into a contract with the successful bidder for the construction of all of said work, and they shall require of said contractor a bond to the corporation, with two sufficient sureties to be approved by them, in a sum equal to the contract price of the work to be done, conditioned that the contractor will perform the work faithfully, within a time to be named therein. Contracts. Bond.

SEC. 12. Section thirty of said Act is hereby amended so as to read as follows: Section 30. The Board of Trustees may at any time, without petition, by an order entered in the journal of their proceedings, provide for grading, filling, planking, paving, macadamizing, or graveling streets, avenues, and alleys, or portions thereof, constructing sidewalks along or sewer therein, or otherwise improving or repairing the same, and shall proceed, in letting contracts, and in assessing the expense of such work upon the property chargeable therewith, as hereinafter provided, and in enforcing the same, in the same manner as in cases of assessments made upon petition; *provided*, that when the Board of Trustees shall make an order for the construction of a sewer in any street or avenue, whether upon petition or otherwise, and shall ascertain the average cost thereof per lineal foot for the whole street or avenue, or portion thereof, so ordered to be constructed, said Board shall proceed, in assessing the expense of such work equally upon the property fronting on said street or avenue, or portion thereof, thus ordered to be improved, to an amount not exceeding two dollars per running or lineal foot of said sewer, and in enforcing the same, in the same manner as in cases of assessments made upon petition, and the cost of such sewer in excess of two dollars per running or lineal foot thereof shall be paid out of the Sewer Fund; and the Board of Trustees are empowered to levy and collect annually, a tax on all property in the city not exceeding fifty cents on each one hundred dollars of the assessment valuation thereof, and to prescribe the manner of making such assessment, and of collecting such tax, which tax, when collected, shall constitute the Sewer Fund; *and provided further*, that the said Board of Trustees shall first give notice of its intention to make such improvement, which notice shall be published at least ten days in some newspaper published in said city; *and provided further*, that at least two-thirds of the owners in frontage of lots and lands fronting on such street, avenue, or alley shall not remonstrate, in a written protest, against the making of the proposed improve- Trustees may proceed without petition. Tax for Sewer Fund. Notice of intention.

ment, within three days after the completion of the publication of such notice of intention. In case such remonstrance shall be made, the improvement shall not be made until after the expiration of six months, and then only after publication of like notice of intention as aforesaid.

Moneys, how
used.

SEC. 13. Section thirty-five of said Act is hereby amended so as to read as follows: Section 35. All moneys paid into the city treasury shall be expended and paid out as hereinbefore provided in this Act.

SEC. 14. Section thirty-six of said Act is hereby amended so as to read as follows: Section 36. All taxes levied upon property or persons within the limits of the corporation for road purposes, under the laws of the County of Napa, except such taxes as may be levied for the Contingent Road Fund, and to pay off existing indebtedness, and all moneys received from the sale of licenses for business within the said corporation under the laws of the State, shall be paid by the Tax Collector of the county into the city treasury at the same time as is required by law for payment of taxes into the county treasury, and he shall take the receipt of the City Treasurer, and file the same with the County Auditor, who shall credit the Collector with the amount thereof.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCVIII.—*An Act to provide for the government of the County of San Diego.*

[Approved March 30, 1876.]

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

Supervisors.

SECTION 1. The Board of Supervisors of San Diego County shall consist of three members. They shall have and exercise such powers as are conferred upon Boards of Supervisors by the general laws of this State, and also such further powers as are hereinafter mentioned.

Election of
members.

SEC. 2. At the general election in the year one thousand eight hundred and seventy-seven, and biennially thereafter, there shall be elected three Supervisors by the electors of said county, who shall enter upon their duties on the first Monday of the month next succeeding their election, and shall hold office for the term of two years, and until their successors are elected and qualified. At their first meeting after their election they shall elect one of their number Chairman, who shall be Chairman of the Board of Supervisors for two years.

Meetings.

SEC. 3. The regular term of the Board of Supervisors shall be held at the county seat on the first Monday of January, April, July, and October of each year. Each member shall receive the sum of five dollars per day for each and every day actually and necessarily employed in attending the meet-

Salary and
 mileage.

ings of said Board, and twenty-five cents for each mile necessarily traveled, in going only, to county seat; *provided*, that no charge shall be made for more than one trip going to each term or special meeting of said Board; *and provided further*, that no Supervisor shall receive any pay or compensation whatever other than is herein provided, excepting when he is sitting as a member of the Board of Equalization, for which he shall receive the same mileage and per diem herein allowed; that if the Board of Supervisors and the Board of Equalization are both in session on the same day but one mileage or per diem shall be allowed; *and provided further*, that the salary of the Supervisors shall not exceed the sum of three hundred dollars for each member per annum, exclusive of mileage.

SEC. 4. There shall be elected at the general election of the year one thousand eight hundred and seventy-seven, and every two years thereafter, in the County of San Diego, the following county officers: A Sheriff (who shall be ex officio Tax Collector), a County Clerk (who shall be ex officio Clerk of the Board of Supervisors, Clerk of the Board of Equalization, and Clerk of the District, County, and Probate Courts in said county), a County Recorder (who shall be ex officio Auditor), a Treasurer, a District Attorney, a Coroner (who shall be ex officio Public Administrator), a County Surveyor, and a Superintendent of Common Schools, and two Constables for each political township. The persons so elected shall take office on the first Monday of March next succeeding their election, and hold for two years, and until their successors are elected and qualified.

County officers to be elected.

SEC. 5. The Board of Supervisors are hereby authorized and required, on the first Monday of April in each year, to levy an annual tax, not to exceed the sum of one dollar and seventy-five cents upon every one hundred dollars' valuation of real and personal property within the county, which tax shall be collected in the manner prescribed by law, and when paid into the county treasury shall be distributed into funds as follows: Five per cent. into a hospital fund, to be applied to the payment of the expenses of the County Hospital. Ten per cent. into a school fund. Ten per cent. into a road fund. Thirty per cent. into a contingent fund. Nine per cent. into an interest and building fund, to be applied in payment of the principal and interest of the bonds issued pursuant to an Act entitled "An Act to authorize the issue of bonds by the County of San Diego," approved March twenty-ninth, eighteen hundred and seventy, A. D., as in said Act provided, and to be in lieu of the tax authorized to be levied by said Act. Eighteen per cent. into an interest fund to be known as the Interest and Sinking Fund of eighteen hundred and seventy-two, to be applied in payment of the principal and interest of all county bonds issued under the Act of March second, eighteen hundred and seventy-two, and also of all bonds of said county issued at any time previous thereto, the payment of which is not herein specially provided for. Eighteen per cent. into a salary fund, to be used in payment of salaries of county officers. The Floating Debt Redemp-

Annual tax, how apportioned.

Funds
abolished.

tion Fund and the Funded Debt Redemption Fund are hereby abolished, and all moneys now in, or which may hereafter come into either of said funds, shall be placed in said Interest and Sinking Fund of eighteen hundred and seventy-two, to be used as in this Act provided, and the Auditor is hereby required to balance said funds and close them. The funds in this section created shall be used only in the manner herein provided, except for the payment of the interest on the bonds issued for the creation of county buildings, as provided in said Act of March twenty-ninth, eighteen hundred and seventy. The Board of Supervisors shall not construe any portion of this section as giving them power to appropriate any of said funds, or to issue any bonds for the construction of any new county buildings, without an Act of the Legislature of this State.

Treasurer,
duties of.

SEC. 6. The County Treasurer may pay out county school moneys upon the warrant of the County School Superintendent, after said warrant has been charged and entered by the Auditor. He must pay all warrants drawn upon him in their numerical order, and must perform all of the duties required by the general laws, not in conflict with this section.

Auditor,
duties of.

SEC. 7. The Auditor must furnish the Treasurer with a daily list of the warrants drawn on the county treasury, specifying in the said list the date, number, in whose favor, amount, and on what fund drawn. The statement required to be made by section four thousand two hundred and twenty-three of the Political Code must be made on the first Monday of January, April, July, and October of each year, instead of the dates therein mentioned.

Same.

SEC. 8. Every claim allowed by the Supervisors shall, after each allowance, be carefully examined by the Auditor to ascertain whether or not it is correct, whether the money is due, and if so, out of what fund it is payable. After such examination, he shall either approve or reject the claim, in whole or in part, and indorse over his signature his action thereon, and shall also make the record required by law. If he rejects the claim or any part of it, unless the party presenting it is willing to take the sum approved in full for the entire demand, he shall return it, with his reasons in writing for rejecting it, to the Board of Supervisors, when, if it is allowed by the vote of all the members, it shall be paid in the same manner and in the same order as if it had not been rejected. No claim which has been rejected by the Auditor, and on its final passage fails to receive the vote of all the members of the Board of Supervisors, shall ever again be considered by the Supervisors or the Auditor.

Claims
against
county.

SEC. 9. No claim on the treasury shall be allowed by the Board of Supervisors, or be approved by the Auditor, in favor of any person or his assigns having the care, collection, custody, or disbursement of any public moneys, who withholds any part thereof, nor in favor of any officer who neglects to make his official returns or reports, as required by law, or any order or regulation of the Supervisors, nor of any officer who, after notice from the Board of Supervisors, fails, neglects,

or refuses to comply with the provisions of any law, or legal order, or ordinance made by the Supervisors.

SEC. 10. The office of County Recorder of the County of San Diego is hereby separated from the office of County Clerk of said county. The County Recorder shall be ex officio County Auditor, and before entering upon the duties of his said office he shall take the official oath and file the bonds required by law. Recorder to be Auditor.

SEC. 11. Whenever the Board of Supervisors deem it necessary, after being petitioned thereto by the residents of any road district to lay out, alter, or establish any public highway, the County Surveyor and no other person shall be appointed Road Viewer; should he from any cause be unable to act, then some other competent civil engineer shall be appointed Road Viewer. The Road Viewer must perform the duties required of Road Viewers by the general laws. The Road Viewer, as such, shall receive the sum of five dollars per day, to be paid out of the Road Fund, for each and every day actually employed by him in viewing any road. Road Viewer, salary of.

SEC. 12. No property belonging to the county shall be leased for a longer period than two years, nor shall any property belonging to other parties be leased for the use of the county for a longer period than two years. No contract or agreement shall be entered into or made with any person or persons for doing the county or public printing without first advertising for sealed proposals, in some newspaper published in the County of San Diego, for not less than ten days nor more than twenty days if in a daily, or not less than three weeks nor more than five weeks if in a weekly paper. The said sealed proposals shall not be opened until the Board of Supervisors organize for business, and then it shall be the duty of the Chairman of the Board to open the said sealed proposals in the presence of the members of the Board and bidders, and it is hereby made the duty of the said Board to make the award for doing said printing to the lowest responsible bidder, at the same meeting and before adjournment or taking a recess; said award not to exceed the sum of one thousand dollars per annum. All stationery and books required by the county for the use of the county officers for county purposes must be furnished upon contract in the same manner. No Board of Supervisors shall make any contract for any purpose extending beyond their term of office. Leases, public printing, etc.

SEC. 13. The fiscal year shall commence on the first day of July in each year, and end on the thirtieth day of June in the year following. At the close of each fiscal year the Auditor shall furnish the Board of Supervisors with a list of all warrants drawn by him upon the treasury which have remained in his office uncalled for by the persons entitled to the same for a period of one year. The Supervisors shall order said warrants to be canceled, and the Treasurer to be notified of the same. All canceled or redeemed warrants or bonds shall be safely kept by the Auditor. Stationery.

SEC. 14. No receipts for money paid or purporting to be Fiscal year.

paid into the county treasury or to the Treasurer, except the certificate of the Auditor, shall be valid for any purpose whatever, except as between the county and the Treasurer; nor shall any other receipt be used in evidence in any case or for any purpose, excepting in an action by the county against the Treasurer or his bondsmen. This section shall be written or printed on the receipt furnished by the Auditor.

SEC. 15. All moneys derived from any source for which a fund is not specially provided in this Act shall be paid into the Contingent Fund of the county, except the moneys derived from the sale of licenses, which shall be paid into the County Hospital Fund.

Official
bonds.

SEC. 16. The Board of Supervisors shall fix the amount of the bonds for all county, district, and township officers.

SEC. 17. Until the next general election in eighteen hundred and seventy-seven, and until their successors are elected and qualified under the provisions of this Act, the Board of Supervisors of San Diego County shall consist of five members, as at present composed.

Clerk as
Recorder
and Auditor.

SEC. 18. Until the general election in eighteen hundred and seventy-seven, and until the Recorder is duly elected and qualified as provided for in this Act, the County Clerk shall perform all the duties of Recorder and ex officio Auditor of the County of San Diego.

SEC. 19. This Act shall not be construed to alter or in any manner affect the compensation or term of office of any of the present officers of San Diego County.

Coroner to
report to
Auditor.

SEC. 20. The Coroner and ex officio Public Administrator mentioned in this Act must, on the first Monday of each month, make out and file with the County Auditor a full and accurate transcript from his books of the entries for the preceding month, with an affidavit attached thereto, and by him subscribed and sworn to as follows: I, Coroner and ex officio Public Administrator of the County of San Diego, do solemnly swear that the entire fees, mileage, compensation, commissions, percentage, or payments for all services rendered by me, or my deputies, or persons connected with my office, for me, have been returned by me in detail in this fee-book of my office, and added up, and the amount thereof is the full amount received or charged since the last payment, and that neither myself, nor to my knowledge any deputy for me has rendered any service for which fees or mileage are chargeable and payable to the county, which is not rendered in the fee-book and added up to make the sum paid to the Treasurer. Both the Treasurer's receipt and the affidavit named in this section shall be written on the face of the fee-book, following the records of the fees for the month. The fees receivable by the officer named in this section must be paid in advance; and it is hereby made the duty of said officer to collect all fees in advance, and if the Coroner shall credit any person for fees, percentage, and commissions for any service rendered in the discharge of his official duties, does so at his own risk, and the same shall be entered in the fee-book, and paid over the same as if it had not been credited.

SEC. 21. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 22. This Act shall take effect and be in force on the first day of April, eighteen hundred and seventy-six, A. D.

CHAP. CCCXCIX.—*An Act to provide for the opening and extending of Leidesdorff Street, in the City and County of San Francisco.*

[Approved March 30, 1876.]

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

SECTION 1. It shall be the duty of E. L. Sullivan, Howard Chapman, and Cornelius O'Connor, the Commissioners heretofore appointed by the Board of Supervisors of the City and County of San Francisco, in the proceedings had by said Board for the opening and extending of Leidesdorff Street from a point one hundred and thirty-seven and one-half feet south of California Street to the north line of Pine Street, in said city and county, within thirty days from the passage of this Act, to file with the Clerk of the County Court of said city and county their report, in writing, heretofore made and filed by them with the Clerk of said Board of Supervisors; and to that end it is hereby made the duty of said Clerk of said Board of Supervisors, or any other person having possession thereof, to deliver said report to said Commissioners, and said Commissioners are hereby authorized and empowered to change or modify said report at any time before the filing of the same with the Clerk of said County Court, in such particulars as they shall see fit or proper; *provided*, that said Leidesdorff Street shall have a uniform width from said California to Pine Street.

Commissioners may modify report.

SEC. 2. It shall be the duty of said Commissioners, immediately upon the filing of said report aforesaid with said Clerk of the County Court, to give notice by publication, in at least two newspapers printed and published in said city and county, for ten days, daily, that said report has been filed with said Clerk of the County Court, and that any owner of property affected by said report, feeling aggrieved by or objecting to said report, may file in said County Court his objections, in writing, thereto, at any time within twenty days after the first publication of said notice, definitely stating therein the character of such objection.

Notice of filing report to be given.

SEC. 3. The said County Court shall take jurisdiction of all matters pertaining to said report and objections made thereto, and shall hear and determine, within thirty days after the filing thereof, all objections to the same, if made and filed within the time and in the manner prescribed in this Act; and may make such orders and decrees in said matter as to it shall seem just and equitable, and to that end may hear testimony and pass upon all the questions arising in

County Court to have jurisdiction.

Order
ratified.

said proceedings; *provided, however*, that all orders and resolutions heretofore passed by said Board of Supervisors of the City and County of San Francisco for the opening of said street, appointing said Commissioners, and other matters relating thereto, except so far as such orders relate to the manner of appeal to the County Court, and providing for a trial therein, are hereby ratified and confirmed.

Decision,
appeals
from.

SEC. 4. At any time within twenty days after the decision of the said County Court in any matter pertaining to the opening of said street, any party in interest who has filed objections to said report, or the said city and county, by said Commissioners may appeal to the Supreme Court of this State from such decision; and if no such appeal shall be taken within the time above prescribed, then the decision of said County Court shall be final. On such appeal, the practice prescribed by law in this State for appeals from the District Courts to the Supreme Court shall be followed, so far as the same is applicable, and except as herein otherwise provided; *provided, however*, that if no objections shall be made to the said report so made and filed by said Commissioners within the time prescribed in this Act, then the same shall be deemed final, and no hearing shall be had thereon by the said Court, except that said report shall, by the order of said Court, duly made and entered, be ratified, approved, and confirmed.

Confirma-
tion of report
to give title
to city.

SEC. 5. Upon the confirmation of said report of said Commissioners, the said County Court shall enter an order that the City and County of San Francisco shall be entitled to take the lands and tenements specified in the report of such Commissioners, as necessary for the making of such public improvement, on paying the amount of damages assessed to the owners and occupants thereof in such report, and where any damages shall be awarded and any assessments for benefits of the improvements, in respect to which such damages are awarded, shall be made upon the same person or persons, or in respect to the ownership of any entire parcel of land, a part of which shall be taken for such improvements, in that case the said City and County of San Francisco shall become vested with the title of such lands (free from all incumbrances), upon paying or depositing, according to law, the amount of the difference between the sums of money so awarded and assessed.

Collection of
damages.

SEC. 6. Whenever the amount of any damages for taking the lands described in the orders and resolutions heretofore passed by the Supervisors of said City and County of San Francisco shall be finally ascertained and fixed by said report of said Commissioners, duly confirmed by order or decree of said County Court, as aforesaid, or by confirmation thereof by the Supreme Court, it shall be the duty of the said Board of Supervisors to cause the said damages and other expenses of said improvement to be collected upon the said report or assessment roll, as aforesaid, and for that purpose said Board of Supervisors of said City and County of San Francisco shall have full power, and it shall be its duty to pass all necessary resolutions or orders providing for the

collection of the same. That as soon as collected the same shall be paid into the county treasury of the City and County of San Francisco, and shall be a fund known and styled "The Leidesdorff Street Fund," and shall be drawn out of said treasury only upon warrants drawn by the said Commissioners, countersigned by the Mayor of said city and county, in favor of the party to whom said award or awards are due, and it shall be the duty of the Treasurer of said city and county to pay said warrants from such funds in the order of presentation.

SEC. 7. All expenses of every kind caused by reason of said improvement shall be defrayed by assessments on the owners of the premises that shall be benefited thereby, as the same may be fixed by said Commissioners in said report, or by said report finally confirmed as herein prescribed; and it is expressly provided, that in no event shall the said city and county be held liable for any expense connected with said improvement.

City not
liable for
expenses.

SEC. 8. It is further enacted, that if for any cause the proceedings, or any part thereof, heretofore taken by the Board of Supervisors of the City and County of San Francisco for the opening of said street, shall be held invalid, or if the report of said Commissioners shall be set aside for any reason, the said Board of Supervisors are hereby empowered to proceed anew for the opening of said street, and to do and perform all and every act, and to make all orders necessary in the premises; *provided, however,* that the said County and Supreme Courts shall, in all things, have and exercise the jurisdiction herein prescribed.

When pro-
ceedings are
set aside.

SEC. 9. If, for any cause, the owner or owners of any property taken by reason of the making of said improvement shall refuse or neglect to apply to the said Commissioners for the amount awarded to him or them by said report within twenty days after sufficient funds are in said county treasury to pay said amount, or if there be any cloud upon the title of any such lands so taken, or any part thereof, or any question shall arise as to who shall or should receive said award, or if the title be defective for any reason, then the said Commissioners shall issue a warrant for the amount awarded for the land taken, describing the land therein, and shall deposit said warrant with the County Clerk of said city and county; and upon proof of the fact of such deposit, made in any District Court of said city and county, upon petition of said Commissioners duly made, stating the facts of the proceedings above recited, and that funds were in said treasury to meet the warrant when presented for payment, the said city and county shall be entitled to an order of said Court commanding the County Clerk of said city and county to issue the proper writ for putting the said city and county in possession of said land, and the Sheriff of said city and county shall immediately thereupon place said city and county in possession thereof, and the true owner of said land shall be entitled to said warrant on delivery to the said city and county of said land, and to the moneys in said warrant described.

Failure of
owners to
apply for
payment.

Removal of
buildings.

SEC. 10. It shall be the duty of any owner of land taken for said improvement, who shall have been paid for the same, or for which funds are in said treasury to meet a warrant drawn therefor, to remove all buildings or structures on said land within thirty days after such payment, or after the money is in said fund herein referred to to pay the same; and if fails to do so, said Commissioners are hereby empowered to remove or cause to be removed said buildings or structures.

Grading,
paving, etc.

SEC. 11. The said street shall be graded, paved, sewered, and sidewalked in the same manner as it is now provided by law to pave, grade, sewer, and sidewalk similar streets in said city and county.

SEC. 12. This Act shall not be construed to repeal the Act of the Legislature of this State entitled "An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco," approved April twenty-fifth, eighteen hundred and sixty-three, or any other Act of the Legislature, except so far as such Act or Acts may be in conflict with the provisions of this Act.

SEC. 13. This Act shall be liberally construed, and said Board of Supervisors, and said Commissioners, and said County Court shall have and they are hereby given all powers necessary to carry the same into execution. All presumptions attaching to proceedings of Courts of general jurisdiction shall apply to proceedings had in said County Court under the provisions of this Act.

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

CHAP. CCCC.—*An Act to amend an Act entitled "An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof," approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 30, 1876.]

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

Salary and
mileage of
Sheriff.

SECTION 1. Section three of said Act is hereby amended to read as follows: Section 3. The salary of the Sheriff shall be five thousand dollars per annum. In addition to his salary, he may retain for his own use the mileage received by him in civil actions, the amounts allowed him by the State for the transportation of prisoners to the State's Prison and of insane persons to the Insane Asylum, and all amounts received by him from counties other than Yolo County, for services performed for such counties in criminal proceedings; and the provisions of this Act, relative to keeping an account of and paying over his fees, shall have no application to the amounts authorized to be retained by him under the provisions of this section. The above allowances shall

constitute the entire compensation of the Sheriff, including the services of all his deputies or jailers.

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

CHAP. CCCC I.—*An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.*

[Approved March 30, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, out of any money in the General Fund not otherwise appropriated, the sum of ten thousand dollars, to meet the running expenses of the Fire Department of the City and County of San Francisco.

Supervisors
to appropriate
funds.

SEC. 2. The Auditor of the City and County of San Francisco is authorized to audit, and the Treasurer to pay, the said sum of money so appropriated.

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

CHAP. CCCC II.—*An Act supplemental to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.*

[Approved March 30, 1876.]

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

SECTION 1. The City Council shall have power:

First—To regulate the construction of sinks, gutters, wells, cess-pools, and privy vaults, and to compel the cleansing or emptying of the same, and the time and manner in which the work shall be done.

Powers of
City Council.

Second—To regulate the anchorage of vessels in the San Antonio Creek, or elsewhere within the limits of the city, and to prevent obstructions to the free navigation of said creek.

Third—To prevent persons from throwing into said creek, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, or dead animals, or other materials that may obstruct the navigation or pollute the water of the same.

Fourth—To open streets to the channel of said creek, and to deep water in the Bay of San Francisco, and to construct public wharves at the ends of said streets.

Powers of
City Council.

Fifth—To regulate the location of steam-boilers, and the putting up of signs and awnings, and the construction of entrances to basements or cellars from the sidewalks.

Sixth—To establish hack-stands, and to regulate the rates of charges of hacks and other licensed vehicles, and to require a schedule of said charges, printed in conspicuous type, and satisfactory to the Council, to be posted in a conspicuous place in each hack or other licensed vehicle; *provided, however*, that the standing of hacks shall not be permitted on any street upon which railroads operated by steam shall be used.

Seventh—To compel the attendance of absent members of said Council at any of the meetings thereof, and to cause the arrest of any person for disorderly conduct at their meetings.

Eighth—To regulate the speed of railway engines in the city, and to require railroad companies to station flagmen at street crossings; to grant franchises permitting steam railroads upon any of the streets of said city; *provided*, that the same shall only be granted after two weeks' notice previously published in some newspaper published in said city, and by ordinance passed by the vote of two-thirds of the members elected to said Council, approved by the Mayor, and upon the previous petition, in writing, of the owners of two-thirds of the front feet of the lands upon the street to be so used.

Ninth—To regulate the means of entrance to and exit from theaters, lecture-rooms, public halls, and churches, and to prohibit the placing of chairs, stools, benches, or other obstructions in the aisles of said buildings.

Tenth—To require railroad companies to keep the street in repair along and within the distance of two feet of the track occupied by the company.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCIII.—*An Act to provide for the distribution of school moneys in the County of Marin.*

[Approved March 30, 1876.]

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

Superin-
tendent to
apportion
moneys.

SECTION 1. The School Superintendent of Marin County must apportion all State and county school moneys as follows:

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

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

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

Fourth—All school moneys remaining on hand after apportioning five hundred dollars to each district having fifteen census children or more, for every teacher assigned it, and after apportioning three hundred dollars to districts having less than fifteen census children, must be apportioned to the several districts having not less than twenty-five census children, in proportion to the number of census children in each district.

SEC. 2. This Act shall take effect from and after the thirtieth day of June, one thousand eight hundred and seventy-six.

CHAP. CCCCIV.—*An Act to authorize the Board of Trustees of the Town of Santa Clara to sell a public square.*

[Approved March 30, 1876.]

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

SECTION 1. The Board of Trustees of the Town of Santa Clara are hereby authorized and empowered to sell and dispose of, by public sale, after giving public notice for one month, of the time, place, and conditions of such sale, by publication in some newspaper published in said town, the public square situated within and belonging to said town, bounded on the north by Liberty Street, south by Lexington Street, west by Alviso Street, and east by Grant Street. Said Trustees shall sell said square for gold coin, but they shall not have power to sell the same, nor any part thereof, unless a majority of the qualified electors of said town shall, at a general or special election, vote in favor of such sale; in case the question of sale be submitted to the electors of said town at either a general or special election called for such purpose by the Board of Trustees, the ballots used shall be the same as provided for in the election laws of this State, and shall contain the words "Sale—Yes," or "Sale—No," and the vote shall be taken, canvassed, and the result declared as in other town elections. At least twenty days' public notice of such election shall be given by the Board of Trustees of said town. If the vote be in favor of a sale, and the sale be made, the Trustees of said town, upon payment of the purchase money, shall, under the corporate seal of the town, make, execute, and deliver a deed for the same, conveying all the right, title, and interest of said town to said square to the purchaser.

Trustees empowered to sell public square.

Electors to vote on question.

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

CHAP. CCCCIV.—*An Act to fix the compensation of the Assessor of Los Angeles County for the collection of the tax on personal property.*

[Approved March 30, 1876.]

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

Fee of Assessor.

SECTION 1. The Assessor of Los Angeles County shall receive for his services in the collection of taxes which are not a lien on real estate, the same percentage as is now allowed by law to the Tax Collector of said county for the collection of State and county taxes.

SEC. 2. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

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

CHAP. CCCCVI.—*An Act to provide for the collection of road poll-taxes in the County of Stanislaus.*

[Approved March 30, 1876.]

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

Collection of poll-tax.

SECTION 1. The Tax Collector and the Assessor of the County of Stanislaus shall collect the road poll-tax in and for said county, and account therefor, at the same time and in the same manner as other poll-taxes are collected and accounted for.

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

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

CHAP. CCCCVII.—*An Act to amend an Act entitled "An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the Santa Anna River, and to issue bonds for the payment of the same," approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved March 30, 1876.]

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

Supervisors to construct bridges.

SECTION 1. Section one of said Act is hereby amended so as to read as follows: Section 1. The Board of Supervisors of San Bernardino County are hereby authorized and empowered to locate and construct good and substantial bridges,

not exceeding three in number, of sufficient width and strength to admit the passage of heavily loaded teams and wagons across the Santa Anna River, in said county, at points to be designated by said Board, and upon such plans, and of such material, with substantial abutments and easy approaches, as the said Board may determine, but at an expense not to exceed twenty thousand dollars each, or sixty thousand dollars for the three bridges; *provided*, that said bridges, or either of them, shall only be constructed in the manner hereinafter provided; *and provided further*, that nothing in this Act shall authorize the said Board of Supervisors, or any member of them, to construct, contract for, or be interested in any wise in the contract for the construction of said bridges or either of them.

CHAP. CCCCVIII.—*An Act supplementary to and amendatory of an Act, approved twenty-fourth of March, eighteen hundred and seventy-four, entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and seventy-six.*

[Approved March 30, 1876.]

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

SECTION 1. The Treasurer of Napa County is hereby authorized and required to transfer the money at the credit of the several old District Road and General Road Funds of said county from said respective funds, to the fund created by section six of the Act to which this Act is supplemental, and the money so transferred shall be disposed of in the manner provided for in section six.

Treasurer to transfer funds.

SEC. 2. The Board of Supervisors are authorized and directed to construct and maintain a public road between the Town of Calistoga and the Town Knoxville; also to maintain the public road from the City of Napa to the Town of Monticello, and to pay any deficit in construction or repairs of said roads, in this section mentioned, out of the General Fund of Napa County.

Supervisors to construct roads.

SEC. 3. Section seven of said Act is hereby amended so as to read as follows: Section 7. The Board of Supervisors of Napa County, at the time of levying State and county taxes, shall annually levy upon all the assessable property in the county, a road tax not exceeding twelve and a half cents on the hundred dollars, which shall constitute a contingent road fund and shall be at the disposal of the Board of Supervisors, and expended for general road purposes.

Road tax.

SEC. 4. This Act shall take effect from and after its passage, and all Acts in conflict with this Act are hereby repealed.

ERRATA.

On page 571, Chapter CCCCVIII, in last line of title, read "sixty-six" for "seventy-six."

CHAP. CCCCIX.—*An Act to legalize certain notarial acknowledgments in Napa County.*

[Approved March 30, 1876.]

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

Acknowledgments confirmed.

SECTION 1. All acknowledgments of deeds and other instruments of writing, whereby real estate, or any interest therein, is conveyed or may be affected, heretofore taken before N. M. Bonham, acting as a Notary Public in and for Napa County, and by him certified in the usual legal form, from and after the passage of this Act have the same force and effect, and the records thereof, and of the deeds and instruments so acknowledged, if they shall have been admitted to record, shall impart notice to the same extent as though such acknowledgment had been taken before and certified by an officer authorized by law to take and certify such acknowledgments.

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

CHAP. CCCCX.—*An Act concerning the terms of the County Court of the County of Ventura.*

[Approved March 30, 1876.]

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

Terms of Court.

SECTION 1. The terms of the County Court of the County of Ventura must be held on the first Monday of February, June, and October.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. This Act shall take effect from and after its passage.

CHAP. CCCCXI.—*An Act confirming to the "Santa Barbara Cemetery Association" a deed of conveyance made by the Town of Santa Barbara.*

[Approved March 30, 1876.]

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

Deed confirmed.

SECTION 1. A deed of conveyance, executed by the Board of Trustees of the Town of Santa Barbara, in favor of the "Santa Barbara Cemetery Association," dated the eighth day of May, A. D. eighteen hundred and seventy-three, whereby the said Town of Santa Barbara sought to convey to said

cemetery association a tract of land in the Town of Santa Barbara, consisting of twenty-one seven-tenths ($21\frac{7}{10}$) acres, is hereby ratified and confirmed; and the said conveyance shall be held good and valid, and sufficient to vest in the said "Santa Barbara Cemetery Association" the fee of the land therein described.

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

CHAP. CCCCXII.—*An Act amendatory of an Act entitled an Act reorganizing the Board of Supervisors in the County of Placer and providing for the election of the same, approved March thirteenth, A. D. eighteen hundred and seventy-four.*

[Approved March 30, 1876.]

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 Board of Supervisors of Placer County shall be composed of three members, who shall be elected by the qualified electors of said county, and the members of said Board shall be elected for the term, and, except as hereinafter provided, shall hold office for the term of four years.

Supervisors,
terms of.

SEC. 2. Section two of said Act is hereby amended to read as follows: Section 2. At the general election to be held in the year eighteen hundred and seventy-five there shall be elected by the qualified electors of Placer County three Supervisors, one of whom shall hold his office for two years, and the others for four years, and all shall take office on the first Monday in February, A. D. eighteen hundred and seventy-six.

Shall take
office.

SEC. 3. Section three of said Act is hereby amended to read as follows: Section 3. The members shall, at their first meeting on said first Monday of February, A. D. eighteen hundred and seventy-six, determine by lot which one of their number shall serve for two years, and such member shall be Chairman of the Board during his term of office. At the expiration of his term of office, and whenever thereafter a vacancy in the chairmanship of said Board shall occur, the member who shall have the shortest term of office to serve shall, for the residue of his term, be Chairman of said Board; *provided*, that when two members of said Board shall thus be equally entitled, said Board shall elect one of them Chairman.

Terms to be
decided by
lot.

SEC. 4. Section four of said Act is hereby amended to read as follows: Section 4. There shall be elected by the qualified electors of said county, at the general election to be held next preceding the first day of February, on which the term or terms of office of any Supervisor or Supervisors of said county shall expire, one Supervisor or two Super-

Regular
election.

visors (as the case may be), who shall hold office for the term of four years, and until his successor or their successors (as the case may be) shall have been elected and qualified.

Election
to fill
vacancies.

SEC. 5. Whenever a vacancy occurs in the Board of Supervisors, from any cause, the Clerk of said Board shall order a special election of the qualified electors of the county, to fill such vacancy. The Clerk of said Board shall give notice of such election by publishing in all of the newspapers published in said county, for two weeks consecutively. Said notice shall state the day of said election, which shall not be less than twenty nor more than twenty-five days from the date of said notice. Such election shall be held under the laws governing general election, and the election Boards of the last general election shall constitute an election Board of said special election; *provided*, at such special election the copies of the Great Register of the last general election, together with the names added to the Great Register since the last general election, shall be the register required at such special election.

SEC. 6. An Act entitled an Act amendatory of and supplementary to the Act entitled an Act reorganizing the Board of Supervisors of the County of Placer and providing for the election of the same, approved March thirteenth, A. D. eighteen hundred and seventy-four, approved March twenty-eight, A. D. eighteen hundred and seventy-four, is hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAP. CCCCXIII.—*An Act to appropriate moneys to pay the present outstanding indebtedness of the State Agricultural Society, contracted in erecting the grand stand, and making other improvements to the lands and property of said society.*

[Approved March 30, 1876.]

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

Appropriation
to pay
indebted-
ness.

SECTION 1. The sum of sixteen thousand one hundred [and] forty-one and eighty-nine one-hundredths dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay the outstanding indebtedness of the State Agricultural Society, incurred in erecting the grand stand and making other improvements upon the lands and property of said society; and the Controller of State is hereby directed and authorized to draw his warrant in favor of said society, upon the requisition of the President and Secretary of the same, which requisition shall be accompanied with certified copies of the evidences of debt to be canceled equal in amount to the amount of the requisition, for the said sum of sixteen thousand one hundred and forty-one and eighty-nine one-hundredths dollars, and the Treas-

urer of State is hereby authorized and directed to pay the same. The money so drawn by said State Agricultural Society shall be used for the purpose of cancelling the present outstanding indebtedness thereof, and for no other purpose.

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

CHAP. CCCCXIV.—*An Act making appropriations for deficiencies in the payment of armory rents and other expenses of the National Guard of California, as provided by law, for the twenty-fifth, twenty-sixth, and twenty-seventh fiscal years, ending June thirtieth, eighteen hundred and seventy-six.*

[Approved March 30, 1876.]

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

SECTION 1. The following moneys are hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the objects herein named: For deficiency in annual allowance to the National Guard of the State of California, for armory rents, annual allowances, and other expenses, as provided by law, for the year ending June thirtieth, eighteen hundred and seventy-four, the sum of seventeen thousand nine hundred and five (\$17,905 00) dollars. For deficiency in annual allowance to the National Guard of California, for armory rents, annual allowances, and other expenses, as provided by law, for the two years ending June thirtieth, eighteen hundred and seventy-six, the sum of fifty-nine thousand nine hundred and twenty-eight (\$59,928 00) dollars. The Controller of State is hereby directed to draw his warrants on the State Treasurer for these amounts, in favor of such companies of the National Guard of California as are entitled to the same.

Appropriation for deficiencies.

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

CHAP. CCCCXV.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXVI.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXVII.—*An Act to amend an Act entitled "An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma," approved March sixteenth, eighteen hundred and seventy-four.*

[Approved March 30, 1876.]

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

Salaries, how
paid.

SECTION 1. Section nineteen of said Act is hereby amended so as to read as follows: Section 19. All fees and commissions collected under the provisions of this Act must be kept in a separate fund, to be known as the County Salary Fund; and all salaries provided for in this Act must be paid monthly out of the County Salary Fund; *provided*, that in case such fund is not sufficient to pay the salaries provided for, then the Board of Supervisors must pay the same out of the County General Fund.

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

CHAP. CCCCXVIII.—*An Act in relation to the county officers of Santa Cruz County, their fees and salaries.*

[Approved March 30, 1876.]

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

Ex officio
officers.

SECTION 1. The County Treasurer of the County of Santa Cruz shall be ex officio Tax Collector for said county, and shall perform the duties required by law of County Tax Collectors; the County Clerk of said county shall be Clerk of the Board of Supervisors, ex officio County Recorder, and ex officio County Auditor, and shall perform the duties required by law of Clerk of the Board of Supervisors, of County Recorders, and of County Auditors; the Coroner of Santa Cruz County shall be ex officio Public Administrator of said county, and shall perform the duties required by law of Public Administrators. The county roads of the County of Santa Cruz shall correspond with the supervisorial districts as now established by law. Each member of the Board of Supervisors of said county shall be ex officio County Roadmaster of his respective supervisorial district, and shall perform the duties now required of Roadmasters by law.

County road
districts.

Salaries of
county
officers.

SEC. 2. The county officers of the County of Santa Cruz, in this section named, shall severally receive, as compensation for their services, the respective salaries by this section provided, to wit: The County Judge, an annual salary of twelve hundred dollars; the County Clerk, as County Clerk and Clerk of the Board of Supervisors, and as ex officio County Recorder, and as ex officio County Auditor, shall re-

ceive an annual salary of three thousand dollars; the Sheriff, an annual salary of three thousand dollars; the County Treasurer, as County Treasurer and ex officio County Tax Collector, an annual salary of eighteen hundred dollars; the District Attorney, an annual salary of five hundred dollars; the Superintendent of Schools, an annual salary of six hundred dollars; each member of the Board of Supervisors, as member of the Board and ex officio Roadmaster of his respective supervisor district, an annual salary of six hundred dollars.

SEC. 3. The County Surveyor of said county shall receive as compensation for the performance of his duties the fees now provided by law. Fees of Surveyor.

SEC. 4. The Coroner and ex officio Public Administrator of said county shall receive as compensation for his services the fees as in this section provided. His fees as Coroner shall be: for summoning a jury of inquest, two dollars; for swearing a jury, forty cents; for issuing a subpoena for one or more witnesses, twenty-five cents; for issuing a warrant of arrest, forty cents; for each mile necessarily traveled in going to the place of the dead body, fifteen cents; which fees in all inquests shall be paid out of the effects of the deceased, if any, if not, from the county treasury; for swearing each witness, twelve cents; for taking down testimony, per folio, twelve cents; when acting as Sheriff, he shall receive the same fees as by that officer collected for like service. His fees as Public Administrator shall be four per cent. upon the amount of the estate administered upon by him, which percentage shall be the only compensation allowed for his services. Fees of Coroner.
As Public Administrator.

SEC. 5. The County Assessor of said county shall receive as compensation for his services an annual salary of one thousand five hundred dollars. He shall also receive for his services in collecting the taxes on personal property, three per cent. on the amount of all such tax belonging to the county and collected by him, and such percentage on the amount of said tax belonging to the State and collected by him as is now provided by law. He shall also receive for his service in collecting road and other poll-taxes belonging to the county, five per cent. on the amount of all such taxes collected by him, and such percentage on the amount of said taxes belonging to the State and collected by him as is now provided by law. Such percentage shall belong and be paid to the Assessor. Fees of Assessor.

SEC. 6. The Sheriff of the County of Santa Cruz shall, in addition to the salary provided by section two of this Act, receive for his own use the mileage paid by the State for the transportation of convicts and insane persons, and all rewards paid to him for the apprehension, arrest, or conviction of criminals; and in case he renders other services outside of the county, the Board of Supervisors may, in their discretion, allow him the amount of his actual expenses, and the same shall be paid from the Salary Fund of said county, and be in addition to the salary provided for by section two of this Act. Mileage of Sheriff

Mileage of
Treasurer.

SEC. 7. The County Treasurer of said county shall receive, in addition to the salary prescribed by section two of this Act, the mileage paid by the State to County Treasurers in making settlements with the State Treasurer.

Fees of
District
Attorney.

SEC. 8. The District Attorney of said county shall receive, in addition to the salary provided by section two of this Act, the following fees, to wit: In criminal cases, for each conviction of felony, where the punishment is death, twenty-five dollars; for each conviction of felony, where the punishment is imprisonment, twelve dollars. The foregoing fees, in this section mentioned, shall be paid out of the county treasury. For each conviction of a misdemeanor, eight dollars, which shall be payable out of the fine collected, and if no fine is collected it shall become a county charge, and paid out of the county treasury. All fees allowed by law by the Acts prohibiting gambling, lotteries, and like schemes, shall be payable out of the fines imposed, which fees shall in no event be paid by the county, nor become a charge against the county. In civil cases, for all collections on bonds, undertakings, or recognizances, and for all collections by action for the county, or for the State and county, other than taxes, eight per cent. of the amount actually collected and actually paid to the custodian of the fund collected; said per cent. shall not exceed the sum of two hundred dollars in any one case. For the collection of delinquent taxes, five per cent. of the amount due for taxes, if paid before judgment, and ten per cent. if paid after judgment, which amounts shall be added to the taxes and be paid by the party charged. In no event shall said percentage for the collection of taxes be paid by the county, nor become a county charge. In civil actions to which the county is a party, other than for the collection of money, such reasonable compensation as the Board of Supervisors may prescribe, not exceeding two hundred dollars in any one case. The fees and compensation provided by this section, added to the salary provided by section two of this Act, shall not exceed the sum of eighteen hundred dollars for any one year; all excess over that amount shall be paid by said District Attorney into the Salary Fund of said county, or such excess may be withheld by the Board of Supervisors, either from his salary or from fees chargeable against the county.

Salaries
payable
monthly.

SEC. 9. The salaries provided by section two of this Act shall be paid monthly, and the County Auditor shall, at the end of each month, draw his warrant on the County Treasurer for one-twelfth of the respective salaries named, in favor of the respective officers named in said section, and the County Treasurer shall pay the same out of the fund herein-after named.

Concerning
fees.

SEC. 10. The fees, percentage, and charges now established by law for the performance of any act or duty by any of the following-named officers of said county, to wit: The County Clerk, the County Clerk as ex officio County Recorder, the County Clerk as ex officio County Auditor, the Sheriff, in civil actions, the County Assessor, except as otherwise in this Act provided, the County Treasurer as ex officio County

Tax Collector, for all services rendered, except services rendered for or now payable by said county, shall continue and remain the established fees, percentage, and charges for such act or duty, and the laws now in force, so far as the same now fix and establish such percentage, fees, and charges as in this section limited, are hereby continued in force, and the respective officers in this section named are hereby required to severally collect from the persons charged with the payment thereof, said fees, percentage, and charges for such act or duty performed, or to be performed, and they shall severally pay the same, excepting the fees named in section five, six, and seven of this Act, into the county treasury of said county, and the same shall thereafter constitute the Salary Fund of said county.

SEC. 11. All fees to be collected by the officers, as provided by section ten of this Act, except those chargeable against the county, shall be payable and collected in advance, in gold or silver coin, by said officers; and each of the officers named in said section ten of this Act shall, on the first Monday of each month, pay into the county treasury the said fees collected in accordance with section ten of this Act. Each of said officers, except the County Clerk, the County Clerk as ex officio County Recorder, the County Clerk as ex officio County Auditor, shall at the same time make an itemized and verified statement in duplicate, showing the amount of service performed by such officer for which fees are chargeable, and the amount of money collected, and file one of said duplicate statements with the County Auditor and the other with the Board of Supervisors of said county. A like statement shall be made in duplicate by the County Clerk, as County Clerk, and ex officio County Recorder, and ex officio County Auditor, and one of said duplicates filed with the County Treasurer and one with the Board of Supervisors of said county.

Statements
of fees.

SEC. 12. The receipts and incomes of the following officers, to wit: The Sheriff, the County Assessor, except as in this Act otherwise provided, the County Treasurer, the County Treasurer as ex officio County Tax Collector, the County Clerk, the County Clerk as ex officio County Recorder, the County Clerk as ex officio County Auditor, and the other moneys required by this Act to be paid into the county treasury, shall constitute the fund out of which the salaries and compensation of the officers named in this Act shall be paid, and if said fund is insufficient for that purpose, the deficiency shall be paid out of the Current Expense Fund of said county. If any balance shall remain in said Salary Fund on the first Monday of March of each year, such balance shall be transferred by the County Treasurer to the Current Expense Fund of said county.

When
deficiency
in Salary
Fund.

SEC. 13. The salaries and compensation in this Act prescribed shall be in full for all services required by law of any officer in this Act named, both ex officio and otherwise.

SEC. 14. No fees or compensation shall be paid to the Assessor, District Attorney (except his salary), Surveyor, or Coroner, unless said officers shall severally file with the

Board of Supervisors an itemized and verified statement of services rendered for which the compensation is claimed.

SEC. 15. The Board of Supervisors of said county shall furnish all county officers in this Act named, with an office in the Court-house building of said county, and no county officer shall be furnished or provided with an office elsewhere at the expense of said county. The Board of Supervisors shall also furnish to the various officers in this Act named, the necessary stationery, fuel, and light for their respective offices, and shall, from time to time, examine the books, incomes, and business of said officers.

Board may
increase
bonds.

SEC. 16. The Board of Supervisors of said county are hereby authorized to adjust and increase the amount of penalty of the official bonds of any of the officers in this Act named, so as to secure the faithful discharge of the duties to be performed by said several officers, and also by said several officers ex officio, as provided by section one of this Act.

County Jail.

SEC. 17. The Board of Supervisors of said county shall have the full financial management of the County Jail of said county. Such management shall not prevent the control of the prisoners confined therein now exercised by the Sheriff of said county.

Misdemeanor.

SEC. 18. If any officer in this Act named shall retain or convert to his own use any of the moneys required by this Act to be paid into the county treasury of said county, such officer shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars, and by imprisonment not exceeding six months; and, upon such conviction, the office of the officer convicted shall be vacant, and the Board of Supervisors of said county shall fill such vacancy, as in cases of other vacancies. Such conviction shall not prevent recoveries against such officer in civil action.

SEC. 19. The Board of Supervisors shall consist of the same number, and be elected and hold their office as is now prescribed by law.

Deputies and
Assistants.

SEC. 20. Provided any officer in this Act mentioned should find it necessary to employ any assistant or assistants, or deputy, he shall pay such assistant or assistants, or deputy out of the salary or compensation allowed him by this Act, and no such assistant or assistants, or deputies shall in any case be paid by the county.

SEC. 21. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 22. This Act shall take effect March fourth, eighteen hundred and seventy-eight.

CHAP. CCCCXIX.—*An Act supplementary to an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and the Acts amendatory thereof and supplemental thereto.*

[Approved March 31, 1876.]

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

SECTION 1. A petition may be filed in the County Court of the county in which any person resides or has his place of business, signed by three or more creditors of such person, and verified by at least two of such signers, setting forth that such person is indebted to them respectively in amounts which must be stated in the petition, and that such person is about to depart from the 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 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 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 of force, and not discharged, by payment or otherwise, for a period of twenty days; or, being insolvent or in contemplation of insolvency, has made any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate rights, or credits; or has confessed judgment, or 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 with the intent, by such disposition of his property, to delay, defraud, or hinder his creditors; or has fraudulently stopped payment; or has stopped or suspended, and not resumed payment within a period of forty days, of any commercial paper made or passed in the course of his business; or, being a bank or banker, broker, or commission merchant, has failed for forty days to pay any moneys deposited with or received by him, for goods or other effects, in a fiduciary capacity, upon demand of payment lawfully made; or that the property of such person has been attached by a creditor or creditors other than such petitioners, and the attachment has not been released or dissolved within two months thereafter. The Court shall thereupon issue an order requiring such debtor to show cause, at a time and place to be fixed by said Court, why he should not be adjudged an insolvent debtor, and the surrender of his estate be made for the benefit of his creditors in the manner required of insolvent debtors. No creditors must sign said petition whose debt or demand is less than two hundred and fifty dollars in gold coin of the United States.

Intent to defraud; petition of creditors.

Order of Court for debtor to show cause.

SEC. 2. A copy of said petition, with a certified copy of the order to show cause, shall be served on said debtor per-

Service on debtor.

sonally, or left at his last or usual place of abode, at least five days before the time fixed for the hearing; or, if such debtor cannot be found or his place of residence ascertained, service thereof shall be made by publication in such manner as the Court may direct.

Hearing of
petition.

SEC. 3. At the time fixed for the hearing, or such other time as it may be adjourned to, and upon proof being made to the satisfaction of the Court of such service or publication, the Court shall inquire if the facts set out in said petition are true; and the issues raised thereon may be tried, with or without a jury, as may be agreed upon.

When
default.

SEC. 4. If the debtor shall make default, or if it shall be found that the facts set out in said petition are true, the Court shall make an order adjudging that said debtor is, and was at the time of the filing of said petition, insolvent within the true intent and meaning of the Acts to which this is supplemental, and shall require said debtor, within such time as may be required, to file in said Court a statement of his affairs in the manner and mode required by said Acts; and thereupon all proceedings shall be had in said matter in the same manner as if said debtor had voluntarily filed his petition.

Statement of
debtor.

Contempt.

SEC. 5. If said debtor shall fail to file such statement, the Court shall have the power to furnish [punish] such debtor as for a contempt, and may order the petitioning creditors to make such statement.

Insolvent
debtors.

SEC. 6. If any debtor shall be adjudged insolvent, either under this Act or the Acts to which it is supplementary, all attachments upon the property of said debtor which were levied at any time within two months before filing the petition are dissolved, and all such property shall vest in the manner and with like effect as provided in said Acts, in the assignee or assignees to be appointed in such cases.

Costs and
expenses.

SEC. 7. In all cases under this Act the Court shall allow to the petitioning creditors, out of the estate of the debtor, as preferred claim, all costs and expenses incurred by them in that behalf; *provided, however*, if on the hearing, as provided in section four of this Act, it shall be adjudged that the facts set out in the petition of the creditor are not sustained, the debtor shall recover from such creditors his costs incurred by him, to be recovered in the same manner as on final judgment in civil actions. All costs and expenses incurred by an attaching creditor shall be provable and allowed against the estate of the debtor.

When
fraudulent
assignment
by debtor,
same to be
void.

SEC. 8. If any person, being insolvent, or in contemplation of insolvency within two months 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, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable

cause to believe that such person is insolvent, and that such attachment, seizure, payment, pledge, conveyance, transfer, 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, or of the Act or Acts to which this Act is supplemental, or of which this Act is amendatory, such transfer, payment, conveyance, pledge, or assignment is void, and the assignee may recover the property, or the value thereof, as assets of such insolvent debtor; and if such sale, assignment, transfer, or conveyance is not made in the usual and ordinary course of business of the debtor, the fact shall be prima facie evidence of fraud.

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

CHAP. CCCCXX.—*An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed March twenty-eighth, A. D. eighteen hundred and seventy-two.*

[Approved March 31, 1876.]

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

SECTION 1. From and after the first day of June, A. D. eighteen hundred and seventy-six, it shall be unlawful for any person within the City and County of San Francisco to open or conduct any pharmacy or store for retailing, dispensing, or compounding medicines or poisons, unless such person be a registered pharmacist, within the meaning of this Act; and it shall be unlawful for any person within the City and County of San Francisco to compound and sell at retail any medicines or poisons, or to compound or to dispense any physician's prescription, unless such person be a registered pharmacist or a registered assistant pharmacist, within the meaning of this Act, except as herein provided.

Dealers in drugs to be graduates in pharmacy, etc.

SEC. 2. Any person, in order to be a registered pharmacist, must be either a graduate in pharmacy, a licentiate in pharmacy, or a practicing pharmacist.

SEC. 3. The graduates in pharmacy are persons who have had four years' experience in stores where prescriptions of medical practitioners are compounded, and each must have obtained a diploma from a College of Pharmacy within the United States, or from an authorized foreign institution, or Examining Board. Licentiates in pharmacy are persons who have had four years' experience in stores where prescriptions of medical practitioners are compounded, and shall have passed an examination before the Board of Pharmacy, or pharmacists who shall present satisfactory credentials or

"Graduates," "licentiates" and "registered assistants" defined.

certificates of their attainments to the Board of Pharmacy. Practicing pharmacists are such persons only who, at or prior to the passage of this Act, have kept and continue to keep pharmacies in the City and County of San Francisco for compounding and dispensing the prescriptions of medical practitioners, and for the sale of medicines and poisons. Registered assistants in pharmacy are persons of not less than eighteen years of age, who are employed by registered pharmacists, and have studied the art of pharmacy for three years, and have furnished satisfactory evidence of the same to the Board of Pharmacy, and have been registered as assistant pharmacists, as hereinafter provided.

Board of
Pharmacy,
duties of.

SEC. 4. The members of the Pharmaceutical Society residing in San Francisco shall, during the month of May, eighteen hundred and seventy-two, and every third year thereafter during the month of May, elect five of the most competent pharmacists of San Francisco, to serve as a Board of Pharmacy. The members of the Board shall, within thirty days after their appointment, individually take and subscribe before the County Clerk an oath faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office for the term of three years, and until their successors are appointed and qualified; and in each case of vacancy the said Board of Examiners shall select from three nominees elected at a meeting of the said society. The Board shall organize for the transaction of business in the City of San Francisco by the election for the whole term of President and Secretary. Three members of the Board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of this Board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy and the retailing of poisons, and to examine the register as pharmacists, or assistant pharmacists, all applicants whom it shall deem qualified to be such respectively. All persons applying for examination shall pay to the Secretary a fee of five dollars, and on passing the examination shall be furnished with a certificate signed by the President and examiners.

Examining
fee.

Registration
of pharma-
cists.

SEC. 5. It shall be the duty of the Secretary to keep a book of registration open at some convenient place, of which due notice shall be given through the public press, in which shall be entered, under the supervision of the Board, the names, title, qualifications, and places of business of all persons coming under the provisions of this Act; and it shall be the duty of all such persons to appear before the Board, or its Secretary, within a period of thirty days after its organization, and be registered. The fee for the first registration of graduates, licentiates, and practicing pharmacists, shall be two dollars; for assistants, one dollar. It shall be the duty of every person registered to have his registration renewed every year in the month of January, the fee for which shall be one dollar; and upon changing his place of business or engagement, to notify the Secretary within thirty days. The Secretary shall make all necessary alterations in

Fee for
registration.

the register, and notify all persons, on or before the tenth day of February, who shall not have renewed their registration, for which notification the Secretary shall receive a fee of fifty cents; and in case no answer is received within four-teen days, such name shall be erased, unless an excuse satisfactory to the Board be presented; *provided, always,* that the said name shall be restored on payment of fifty dollars to the Secretary of the Board within one year. The Secretary shall give receipts for all money received by him, and pay said moneys to the Treasurer of the California Pharmaceutical Society, taking his receipt therefor. The salary of the Board of Pharmacy, and of the Secretary, shall be fixed by the Board of Directors of the California Pharmaceutical Society, to be paid out of the registration fees and fines.

Renewal of registration.

Salaries, how paid.

SEC. 6. From and after the first day of June, eighteen hundred and seventy-six, every registered pharmacist who shall knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, any drugs, chemicals, or medicinal preparation, shall be held guilty of a misdemeanor, and on conviction shall be fined fifty dollars in the first, one hundred dollars in the second, and on conviction in the third case, his name shall be erased from the register.

Adulteration.

SEC. 7. And be it further enacted, that on and after the first day of June, eighteen hundred and seventy-six, it shall be unlawful for any person in the City and County of San Francisco to retail any poisons enumerated in Schedules "A" and "B," appended to this Act, without distinctly labeling the bottle, box, vessel, or paper, and wrapper or cover in which said poison is contained, with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in Schedules "A" and "B" to any person, unless on due inquiry it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful for any person to sell or deliver any poison included in Schedule "A" without, before delivering to the buyer, making or causing to be made an entry in a book kept for that purpose only, stating the date of the sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser; said book, to be always open for inspection by the proper authorities, to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons (in not unusual doses or quantities) upon the prescriptions of practitioners of medicine.

Concerning sale of poisons.

SEC. 8. Any person who shall attempt to procure registration for himself, or for any other person, under this Act, by making, or causing to be made, any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store by persons not registered,

Penalty for procuring fraudulent registration.

except by junior assistants under the direct supervision of registered persons, or any person not registered who shall retail or dispense medicines or poisons, except in a pharmacy under the supervision of a registered pharmacist, or who shall fraudulently represent himself to be registered, and any registered person who shall fail to comply with the regulations of this Act in regard to the retailing and dispensing of poisons, shall, for every such offense, be deemed guilty of a misdemeanor, and on conviction thereof, be fined not exceeding five hundred dollars.

Fines, how applied.

SEC. 9. One-half of all fines imposed for violations of this Act shall be paid to the Secretary of said Board, and it shall be the duty of said Secretary, after paying all the necessary expenses of said Board, to pay over any surplus money to the Treasurer of the California Pharmaceutical Society.

Jury duty.

SEC. 10. All persons registered under this Act shall be exempt and free from all jury duty in the City and County of San Francisco.

SEC. 11. All Acts and parts of Acts in conflict with the provisions of this Act, in so far as they so conflict, are hereby repealed.

Schedule "A."

Schedule "A."—Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, ciniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations, except paragoric and other preparations of opium containing less than two grains to the ounce.

Schedule "B."

Schedule "B."—Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin ergot, cotton root, cantharides, digitalis and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, and oxalic acid.

CHAP. CCCCXXI.—*An Act to regulate fees of office and salaries of officers in the County of San Diego.*

[Approved March 31, 1876.]

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

Fees payable in coin.

SECTION 1. Fees and salaries shall be allowed to the officers of San Diego County hereinafter named, for their services rendered in discharging the duties imposed on them by law as herein provided; and such officers may lawfully charge, demand, and receive the same, to be applied as hereinafter provided, in gold and silver coin of the United States, and all costs recovered in any suit or proceedings shall be paid in gold and silver coin.

Not chargeable.

SEC. 2. No fees or other compensation shall be charged or received for certificates 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.

CLERK OF DISTRICT COURT.

SEC. 3. At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment, and from the defendant, three dollars, to cover costs for same time; if, in the progress of the action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand.

Fees of Clerk
of District
Court.

SEC. 4. The Clerk of the District Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial and subsequent proceedings, for each folio, twenty-five cents; for issuing every writ or process under seal, fifty cents; for issuing each subpoena for one or more witnesses, twenty-five cents; for filing each paper, fifteen cents; for entering every motion or order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for entering every cause on the calendar and making a copy thereof for the bar, for each term of the Court, fifty cents; for calling and swearing every jury to try cause, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, twenty-five cents; for entering judgment on judgment docket, twenty-five cents; for entering satisfaction or credit on judgment docket, fifty cents; for administering any oath or affirmation and certifying the same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, twenty cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty cents; for issuing every execution or other final process, under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, twenty cents; for receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents; for taking and approving each undertaking or bond, and for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing each suit in the gen-

eral index of the Court, as required by law, fifty cents; for filing and entering papers on transfer of cases from other Courts, including indexing, two dollars; for transmission of files, or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents; when the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive, for the trial of each issue, five dollars; he shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for copies of papers, and also twenty cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court, all of which criminal business shall be charged against the county.

CLERK OF COUNTY COURT.

Of Clerk of
County
Court.

SEC. 5. For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents; when the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, where the charge is misdemeanor, three dollars, and where the charge is felony, five dollars; he shall receive no other fees in a criminal case, except for copies of papers, per folio, twenty cents, and for taking down testimony during a trial, when ordered by the Court, for each folio, twenty cents; all of which criminal business shall be charged upon and paid by the county. For all other services he shall receive the same fees as are allowed the Clerk of the District Court for like services.

CLERK OF PROBATE COURT.

Of Clerk of
Probate
Court.

SEC. 6. For issuing letters testamentary, or of administration, or of guardianship, fifty cents; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, twenty-five cents; for recording wills or other papers required by law to be recorded, for each folio, twenty cents; for all other services the same fees as are allowed the Clerk of the District Court for like services. No fees shall be allowed the Probate Judge.

COUNTY CLERK.

Of County
Clerk.

SEC. 7. For issuing each marriage license, one-half to be paid to the County Recorder, two dollars; for recording official bonds and other papers required by law to be recorded, for each folio, twenty cents; for indexing same, twenty-five cents; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty cents; for filing and indexing all papers to be kept by him and not required to be recorded, twenty-five cents; for issuing any license required by law,

one dollar; for all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

RECORDER.

SEC. 8. For recording every instrument, paper, or notice, Of Recorder. for each folio, twenty cents; for indexing every instrument, paper, or notice, fifteen cents a name for the first two names, and ten cents a name for each additional name, said amount to be in full for all indexing required by law; for copies of any record or paper, per folio, twenty cents; for filing every instrument for record and making the necessary entries thereon, twenty-five cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing the same, and indexing same, fifty cents; for searching records or files in his office for each year, when required, fifty cents; for abstract of title, for each conveyance or incumbrance certified, fifty cents; for recording every plat or map, for each course ten cents; for figures or letters on plats or maps, per folio, twenty-five cents, provided the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage licenses and certificates, to be paid by the Clerk, one dollar; for recording transcript, and for all other services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

SHERIFF.

SEC. 9. In the County of San Diego the Sheriff shall Of Sheriff. receive the fees hereinafter specified: For serving a summons and complaint or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, two dollars; for serving an attachment upon any ship, boat, or vessel, in proceeding to enforce any lien thereon created by law, three dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court may order; *provided*, that not more than three dollars per diem shall be allowed to a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, one dollar; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for serving every notice, rule, or order, one dollar; for advertising property for sale

Of Sheriff.

on execution, or any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars; for serving a subpoena, for each witness summoned, fifty cents; for traveling, to be computed in all cases from the Court-house, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution and other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest on trial of rights of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit at the same time or the same direction, one mileage only shall be charged to the most distant points to complete such service; for each mile necessarily traveled, in going only, thirty cents; for commissions for receiving and paying over money on execution or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars two per cent., on sums above that amount one and one-half per cent.; for commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one-half per cent., and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, cost for advertising, and percentage for making or collecting the money in execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made; for drawing and executing Sheriff's deed, to include the acknowledgment, exclusive of stamps, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the county treasury, three dollars; for making every arrest in a criminal proceeding, two dollars; for summoning a Grand Jury of twenty-four persons, eight dollars; for summoning a trial jury of twelve persons or less, four dollars; for summoning each additional juror, twenty-five cents; for executing every sentence of death, forty dollars; for every mile necessarily traveled in executing any writ, in any criminal case, twenty cents; for delivering a prisoner at the State Prison, and for delivering an insane person at the asylum, the mileage allowed by the general laws of the State; for conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

Ex officio
Tax
Collector.

SEC. 10. The Sheriff shall be ex officio Tax Collector of property taxes and business licenses. The Sheriff, as ex officio Tax Collector of the taxes herein specified, shall execute a bond in the same amount, and conditioned the same,

as required by law for County Tax Collectors. Said bond to be in addition to the bond he is required to execute as Sheriff.

TAX COLLECTOR.

SEC. 11. The Tax Collector of the County of San Diego shall receive fifteen per cent. of the amount collected on State poll-tax receipts, and for the collection of State and county taxes, except taxes for school purposes, he shall receive four per cent. on the first ten thousand dollars collected, two per cent. on all over ten thousand and under twenty thousand dollars, and one per cent. on all over twenty thousand dollars. The said Tax Collector shall also receive one dollar for each business license sold, one-half of which he shall pay to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes. There shall be allowed by the State to the county ten per centum on all moneys payable into the State treasury, derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses.

Fees of Tax Collector.

CLERK OF BOARD SUPERVISORS.

SEC. 12. In the County of San Diego the Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers, shall receive a salary of three hundred dollars per annum. In addition to said salary, the Clerk shall be allowed to demand and receive, for issuing each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents.

Of Clerk of Supervisors.

AUDITOR.

SEC. 13. There shall be allowed by the State to the County of San Diego, in lieu of all allowances for salaries and fees authorized by law to be made by the State to the Auditor of the said county, and for all services in copying assessment rolls and extending the totals of taxes therein, the following amounts or percentage: On the amount of State revenue derived from taxes on real and personal property, and paid into the State treasury during any fiscal year, for Auditor's compensation, on the first ten thousand dollars, two per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, one and one-half per centum; on all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum; on all sums over fifty thousand dollars, three-fourths of one per centum.

Of Auditor.

SEC. 14. The County Auditor shall receive as full compensation for all services required to be performed by him by law, as County Auditor, the following amounts or percentages: On all moneys which shall be paid into the treasury during any fiscal year, on the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one-half per centum; on all sums over forty thousand dollars and less

than sixty thousand dollars, one per centum; and on all sums over sixty thousand dollars, one-half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the county treasury for school purposes. The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly.

TREASURER.

Of Treasurer.

SEC. 15. The County Treasurer of San Diego County shall receive an annual salary of twelve hundred dollars, and also the commissions and mileage allowed by the State for the collection of State taxes.

DISTRICT ATTORNEY.

Of District Attorney.

SEC. 16. The District Attorney shall receive an annual salary of twelve hundred dollars per annum, and such fees and percentages as are allowed by an Act entitled "An Act to regulate fees of office and salaries of certain officers and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy; *provided, however*, that in all criminal cases, where the fees allowed him cannot be collected from the defendant, the same shall become a county charge.

ASSESSOR.

Of Assessor.

SEC. 17. The Assessor shall receive an annual salary of twelve hundred dollars, and may appoint such deputies, not to exceed three, as the Board of Supervisors may deem necessary. The deputies so employed shall receive such compensation, not to exceed five dollars per day, as the Board of Supervisors in their discretion may allow.

SCHOOL SUPERINTENDENT.

Of School Superintendent.

SEC. 18. The School Superintendent shall receive an annual salary of six hundred dollars, which shall be in full for all services rendered by him, his deputies and assistants.

CORONER.

Of Coroner and Public Administrator.

SEC. 19. The Coroner shall receive an annual salary of five hundred dollars, which shall be in full for all services rendered by him, his deputies and assistants, as Coroner and ex officio Public Administrator, to be paid out of the county treasury; and all fees and commissions, and all moneys or valuables, received by him as Coroner or Public Administrator, must be turned over to the County Treasurer on the first day of every month.

SEC. 20. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 21. This Act shall take effect at noon on the first Monday of March, A. D. eighteen hundred and seventy-eight.

CHAP. CCCCXXII.—*An Act to appropriate one hundred and ten thousand dollars for the construction of a building for the California Institution for the Education of the Deaf and Dumb and the Blind.*

[Approved March 31, 1876.]

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

SECTION 1. The sum of one hundred and ten thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the construction of such portion of a suitable building for the education of the deaf and dumb and the blind, on the grounds of the State, near Oakland, Alameda County, as will accommodate one hundred and thirty pupils ; *provided*, that said building, when completed, will afford accommodations for two hundred and fifty pupils, and will cost not to exceed one hundred and seventy-five thousand dollars, including the cost of heating apparatus.

Appropriation.

SEC. 2. The Controller of State shall draw his warrant for said sum in favor of the Directors of said California Institution for the Education of the Deaf and Dumb and the Blind, and the Treasurer of State shall pay the same.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCXXIII.—*An Act to provide for the election of the Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, in the County of San Mateo.*

[Approved March 31, 1876.]

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

SECTION 1. The Clerk of the Board of Trustees and the Superintendent of Streets of the Town of Redwood City, County of San Mateo, shall be elected at the same time of electing other officers of said town.

Election, when held.

SEC. 2. The Clerk and the Superintendent of Streets shall qualify and enter upon the duties of their offices respectively at the same time and manner of other officers of said town, and shall hold office for one year, and until their successors are elected and qualified.

Terms of office.

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

CHAP. CCCCXXIV.—*An Act to amend an Act entitled an Act changing the terms of the County Court and Probate Court in the County of Marin, approved February ninth, eighteen hundred sixty-six.*

[Approved March 31, 1876.]

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

Terms of
Court

SECTION 1. The terms of the County Court and Probate Court, in and for the County of Marin, shall be held at the county seat of said county, and shall commence on the first Monday in March and June, and the third Monday in September and the second Monday in December of each year.

SEC. 2. Each of the regular terms of each County Court shall continue until the next regular term, unless the business of the Court is sooner disposed of.

SEC. 3. Each of the regular terms of each Probate Court shall, either with or without intermediate adjournments, continue to the commencement of the next term.

SEC. 4. All Acts and parts of Acts contrary to or inconsistent with the provisions of this Act are hereby repealed.

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

CHAP. CCCCXXV.—*An Act relating to road poll-tax in the County of Sierra.*

[Approved March 31, 1876.]

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

Road
poll-tax

SECTION 1. Every male inhabitant of a road district in the County of Sierra over twenty-one and under fifty years of age, must perform two days' labor, annually, to be known as the road poll-tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay such Overseer a commutation fee of three dollars.

SEC. 2. Section twenty-six hundred and fifty-seven of the Political Code shall not apply to the County of Sierra.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in November, eighteen hundred and seventy-six.

CHAP. CCCCXXVI.—*An Act to transfer money from one fund to another in the County of Monterey.*

[Approved March 31, 1876.]

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

SECTION 1. The Auditor and Treasurer of Monterey County are hereby authorized and directed to transfer all the moneys now in the Swamp Land Fund of said county to the Current Expense Fund; *provided*, that said money shall be repaid out of the Current Expense Fund whenever the amount shall be lawfully payable out of the Swamp Land Fund. Transfer of funds.

SEC. 2. The Treasurer of said county shall, immediately on the transfer of said moneys, proceed to pay out said moneys in the same manner as is now provided by law for paying out money from the Current Expense Fund of said county. Treasurer to disburse.

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

CHAP. CCCCXXVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXXVIII.—*An Act to authorize the Trustees of the City of Napa to procure a supply of wholesome fresh water for the use of the inhabitants of said city.*

[Approved March 31, 1876.]

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

SECTION 1. The Trustees of the City of Napa are hereby authorized and empowered to provide the inhabitants of the corporation with a plentiful supply of wholesome fresh water, for domestic and other uses, in the manner herein-after prescribed; *provided*, the cost of procuring the necessary real estate, water rights, right of way, and the expense of constructing the necessary dams, reservoirs, and works, and of procuring and laying the necessary pipes for conducting and distributing water, shall not exceed, in the aggregate, the sum of one hundred and twenty-five thousand dollars, United States gold coin. Trustees to procure supply.

SEC. 2. The Trustees and other officers created under this Act shall have no interest in any contract for material furnished or work performed for the Board, or for the purchase of any water rights, right of way, or any other thing Officers to be disinterested.

for which the Board may pay out money; and any violation of this section shall be deemed a felony, and shall be punished according to law.

Engineer to
examine
sources and
report;
salary of.

SEC. 3. It shall be the duty of the Trustees, within thirty days from the passage of this Act, to procure the services of a competent engineer, who has followed his profession not less than ten years, at a salary not to exceed two hundred dollars per month, to make an examination into all the sources of supply of water contiguous to the City of Napa, and also examine into and report upon the purity of each stream, the obstacles to be overcome, and the cost of works necessary to store and convey the same to the City of Napa; which facts shall be set out in a report, to be completed within sixty days after the appointment of the engineer.

Trustees
may
purchase.

SEC. 4. Immediately after receiving the report of the engineer, as provided in the last section, if it shall appear therefrom or otherwise, and the Trustees shall be satisfied that an abundant and suitable supply of water can be procured and distributed in the city at an aggregate cost not exceeding one hundred and twenty-five thousand dollars, as provided in section one, they may, and are hereby authorized to institute an examination into the right, title, or claim by which the water supply so deemed to be available, and rights to its use, together with such real estate as may be required for reservoirs, dams, and works, is held or claimed, and may call to their assistance such legal adviser as they may think necessary, and may institute negotiations with the owner or owners, claimant or claimants, as have title to the same, and may purchase the same for the use of the city; *provided*, that the supply shall be in accordance with the provisions of this Act hereinafter mentioned, and the price shall not exceed in the aggregate seven thousand five hundred dollars.

Condemna-
tion of
property.

SEC. 5. Should the Trustees, after a full and fair effort to procure said supply of water, or other property mentioned in the last section, or the necessary rights of way from the reservoir to the city, by private negotiations, fail in so doing, they are hereby authorized to institute proceedings under the Code of Civil Procedure, Title Seven, Part Three, in the District Court of Napa County, to condemn the said property, and may prosecute the action to final determination, and pay the amount awarded.

Trustees to
issue bonds.

SEC. 6. To enable the Trustees to carry into execution the provisions of this Act, they are hereby authorized from time to time, as may be necessary, to issue for and in behalf of the City of Napa bonds not to exceed one hundred and twenty-five thousand dollars; said bonds to be in the sum of five hundred dollars each, with interest coupons attached thereto; the principal of the bonds to be payable in not less than five years or more than thirty; the interest to be payable annually on the first day of July of each year; said bonds to bear interest at the rate of eight per cent. per annum, principal and interest payable in United States gold coin; the bonds to be signed by the President of the Board and the Secretary,

and sealed with the seal of the corporation, and the coupons to be signed by the Secretary.

SEC. 7. The bonds and coupons shall be payable at the office of the Treasurer of the City of Napa. The bonds shall bear interest from the date of their issuance, and the first coupon shall be for interest from such date up to the first day of July next succeeding. Interest.

SEC. 8. For the purpose of paying the interest on the bonds and creating a sinking fund for the payment of the principal, all moneys received for water rates or sale of water to consumers, or so much as shall be necessary over and above the necessary expenses of caring for the works, keeping in repair, and paying the expense of collection, shall be set apart and applied to the purpose named in this section. The Trustees of the city shall have the exclusive control and management of said property and works, and shall employ such servants, agents, and employés as may be necessary, and fix their compensation. Sinking fund.

SEC. 9. If such collections from sales of water shall be at any time insufficient to pay the interest as it accrues on the bonds, then it shall be the duty of the Board to cause a special tax to be levied upon all the property, real and personal, in the City of Napa, to meet such deficiency. The said tax to be assessed and collected in the same manner as is provided for assessing and collecting the other revenue of the city; *provided*, that while the works are in course of construction they may, if they deem it advisable, sell any bonds on hand in order to meet accruing interest; *provided further*, that after the expiration of five years from the completion of the work there shall be raised annually, by taxation, or by the receipts from water, or by both, at least two thousand dollars, which shall be applied to the payment of the principal of such bonds as provided in section ten. Special tax.

SEC. 10. Whenever there shall accumulate in the treasury of the city a sum of money equal to one thousand dollars, or more, over and above enough to meet accruing interest, then notice shall be given by the Treasurer of such fact, and holders of bonds shall be invited to surrender the same at the lowest figure. No bid at a rate above par shall be accepted. Bids for the redemption of bonds shall be opened in public, at a meeting of the Board, and the lowest bid accepted and the bonds redeemed. If no bid is put in at a rate below par, and five years shall not have elapsed since the issuance of the bonds, then the Board shall invest the surplus fund by loaning the same upon real property until the five years' limitation has expired. Thereafter, if no bid at or below par is received, they shall give notice that they are prepared to redeem the first issued bonds in the order of their issuance, naming the bonds by number; and after the publication of that notice for four consecutive weeks in a newspaper published in the City of San Francisco, and one newspaper in the City of Napa, interest on the bonds shall cease. Redemption fund.

SEC. 11. When it becomes necessary, for the purposes herein mentioned, the Board of Trustees may sell the bonds Surrender of bonds.

herein mentioned, the Board of Trustees may sell the bonds Sale of bonds.

so issued to the highest bidder, as follows: At least twenty days' notice shall be given of the time and place of such sale, in two newspapers of the City of San Francisco and one in the City of Napa. Said bonds shall be sold for United States gold coin, and for not less than ninety-five per cent. of their par value.

Proposals for purchase.

SEC. 12. Bids for the purchase of the bonds shall be made in writing, and shall be received until noon of the day of sale. At that hour, and on the same day, the Board shall open such bids, and award the bonds to the person bidding the highest price therefor; but no bids shall be considered unless there shall be with the same a certified check from a responsible bank for ten per cent. of the bid. Immediately after the acceptance of the bid the Board shall receive of the bidder the amount of the bid, and deliver the bonds. In all cases the Board shall have power to reject any and all bids. The bonds issued under this Act shall be known as the Water-works Bonds of the City of Napa; *provided*, that the Trustees may, at their option, make purchases of real estate, right of way, and water rights, and may receive and accept proposals for doing all work necessary to be performed in constructing the work, laying pipes, and other things, in bonds at their par value.

Water capacity.

SEC. 13. The supply of water to be obtained may be either a running stream, or be caught during winter, and stored in a reservoir or reservoirs for summer use. If a running stream is selected, and no provision is made for winter catchment, then the stream must be equal to a supply of two and a half millions of gallons per diem, during the month of August and September. Or, if catchment is resorted to, in connection with a running stream or otherwise, then it must be shown that the reservoir can be constructed, and on lands acquired by the Board, which, in connection with the stream, will yield a quantity of water equal to four hundred and fifty million gallons in the aggregate during the months of May, June, July, August, September, and October; *provided*, that the works need not be constructed at the beginning to supply more than one-third the quantity named. The water must be pure, according to the standards of sanitary science.

Misdemeanor.

SEC. 14. Willful disobedience of the mandates contained in the last section, or the purchase of any water right or the construction of any works with a less possible or ultimate capacity than named, to wit: four hundred and fifty million gallons in the months mentioned, shall be considered a misdemeanor by the members of the Board consenting to such purchase or construction.

Proposals for work.

SEC. 15. After the selection and purchase of a source of supply and right to use and occupy the grounds necessary for the reservoirs and works, the engineer shall make accurate plans and drawings, and prepare detailed specifications of all work to be done and performed and all materials to be furnished; and thereupon the Board shall advertise for sealed proposals to furnish the materials and do the work by the lowest bidder. Said notice to be published for not less than thirty days, in two newspapers in the City of San Fran-

cisco and one in the City of Napa, specifying the work to be let and materials furnished; *provided*, that the work may be let in such sections, parts, and divisions, and at such different times, as the Board may deem advisable.

SEC. 16. Bids shall be received up to noon of the day on which they are to be opened, and at that hour, and on that day, the Board shall meet in public and open the bids and award the contracts to the lowest bidders; *provided, always*, that they shall require full and ample security for the faithful performance of the contracts to accompany the bids; *and provided further*, that the Board may have the right to reject any and all bids. Awarding of contract.

SEC. 17. Immediately after the awarding of the contracts, the Engineer and Attorney of the Board shall prepare contracts, to be signed by each successful bidder, which shall cover the engagement or engagements he has undertaken to perform; and in no instance shall any contractor be paid for more than three-fourths of his work performed and materials furnished whilst his contract is incomplete. Payments.

SEC. 18. The engineer of the Board shall also be the Superintendent of Construction; and it shall be his duty to carefully scrutinize all pipes or materials furnished and works erected, and see that they are furnished and performed in accordance with the contracts. Engineer to supervise.

SEC. 19. The Board of Trustees under this Act shall have authority to direct excavations to be made in any street, alley, or highway necessary for the laying of mains or service-pipes. They shall have power to determine in what streets mains shall be laid, the sizes and quality of mains to be used, the fixing and determining the position of fire-hydrants, the mode and manner of tapping the mains. They shall also fix the tariff of water rates, and determine the mode of payment; *provided*, that in no case shall the water [rate] be fixed higher than will yield a sufficiency of revenue to pay all expenses, necessary interest on the bonds, and create a sinking fund for the extinguishment of the principal. Laying of pipes.

CHAP. CCCCXXIX.—*An Act concerning county officers of Lake County, and to regulate the fees and salaries thereof.*

[Approved March 31, 1876.]

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

SECTION 1. The County Clerk shall be ex officio Clerk of the District, County, and Probate Courts; of the Boards of Supervisors, Equalization, and Canvassers; Auditor and Recorder. The Sheriff shall be ex officio Tax Collector. Clerk and Sheriff.

SEC. 2. The salary of the County Judge shall be one thousand dollars per annum, and he shall receive no other or further fees or emoluments for any service rendered as County Judge or ex officio Judge of the Probate Court. Salary of Judge.

Salary, etc.,
of Sheriff.

SEC. 3. The Sheriff shall receive, in full compensation for services for himself, deputies, jailers, and assistants, the sum of three thousand dollars per annum, and such fees and mileage as is now provided for by law for making arrests and subpoenaing witnesses in criminal cases; he shall also be allowed, for the boarding of prisoners, a sum to be audited by the Board of Supervisors, not to exceed seventy-five cents per day for each person; he shall also be allowed to retain for his own use and benefit all moneys received by him as rewards for the arrests or conviction of criminals, or for the recovery of stolen property; also, the amount allowed by the State for the conveyance of prisoners to the State Prison and the conveyance of insane persons to the Insane Asylum.

Of Clerk.

SEC. 4. The County Clerk shall receive the sum of twenty-five hundred dollars per annum, in full compensation for services for himself and all deputies, as such County Clerk, or as ex officio Clerk of the District, County, and Probate Courts, of the Boards of Supervisors, Equalization, and Canvassers, and as Auditor and Recorder; *provided, however*, that he may retain for his own use and benefit all the fees or compensation accruing to his office from conveyancing, searching of records, making abstracts of title, and the acknowledging of all instruments of writing which he is competent to make.

Of Treasurer.

SEC. 5. The County Treasurer shall receive twelve hundred dollars per annum, in full compensation for services for himself and his deputies, as such County Treasurer, and shall, in addition to said salary, be allowed to retain for his own use and benefit all sums of money allowed by the State for mileage in making his settlements with the State Treasurer.

Of Assessor
and
Deputies.

SEC. 6. The County Assessor shall receive eight hundred dollars per annum, in full compensation for all services for himself as such County Assessor; *provided*, that he shall retain ten per cent. of the amount collected as State and road poll-tax for his own use and benefit; *provided further*, that the Board of Supervisors may, if they deem it necessary, appoint one or more Deputy Assessors, at a per diem not to exceed four dollars each, and not to exceed five hundred dollars in any one year to any one Deputy Assessor.

Of District
Attorney.

SEC. 7. The District Attorney shall receive seven hundred dollars per annum, and, in addition thereto, he shall receive fees as follows: For each conviction on a charge of felony, when the penalty is death, fifty dollars; for each conviction on a charge of felony, when the penalty is other than death, twenty-five dollars; for each conviction of a misdemeanor, fifteen dollars, to be assessed as costs against the party convicted, and if the same cannot be collected from him, then it shall become a county charge, and shall be audited by the Board of Supervisors.

Of School
Superin-
tendent.

SEC. 8. The County School Superintendent shall receive seven hundred dollars per annum, in full compensation for services for himself and his deputies, as such County School Superintendent, and he shall receive no other or further

compensation for any services as such County School Superintendent.

SEC. 9. Each member of the Board of Supervisors shall receive the sum of five dollars per day for each day necessarily employed about the business of said Board, and shall, in addition thereto, be allowed a mileage of twenty cents per mile for traveling to and from their residence to the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor during any one regular or special term of said Board; *provided further*, that no one member shall receive as per diem and mileage in any one year a sum to exceed three hundred and fifty dollars.

Of Super-
visors.

SEC. 10. All officers mentioned in this Act who are authorized to collect fees shall, before performing any service for which they are required by this Act to charge and collect any fees, shall demand and collect from the party requiring such service the amount of fees they are required to charge and collect, and in case the exact amount [of] said fees cannot be ascertained before the performance of the service, they shall demand and receive from such party such reasonable amount as a deposit as, in their judgment, shall be sufficient to cover the amount of said fees; *provided*, that no fees shall be demanded in advance for any service rendered Lake County.

Collection of
fees.

SEC. 11. The officers mentioned in this Act who are authorized to charge and collect fees, shall charge and collect the same fees as are now specified and allowed by law, and are required to pay the same into the county treasury on the first Monday of every month, and shall receive from the County Treasurer his receipt in duplicate, one of which shall be filed with the Clerk of the Board of Supervisors, the other to be retained by himself, and on the first Monday of every regular quarterly meeting of the Board of Supervisors of said county he shall present his fee-book to said Board, with the same footed up, and the County Treasurer's receipt annexed, that the amount has been paid to the Treasurer. He shall make an affidavit in the form as follows: I, —, Sheriff (or other officer, as the case may be) of the County of Lake, do solemnly swear that the entire fees, compensation, commissions, percentage, or payments for all services by me, or any person or deputy connected with my office for me, has been entered in detail in this fee-book of my office, and added up, and that the amount thereof is the full amount received or charged since the last payment, and that neither myself nor, to my knowledge, any person or deputy for me, has rendered any service for which fees are chargeable and payable to the county, which is not entered in this fee-book and added up, to make the sum paid to the Treasurer. Both the Treasurer's receipt and the affidavit named in this section shall be written upon the face of the fee-book, following the record of the fees for each quarter.

Rates of
fees, and
when paid
in.

SEC. 12. Any officer required by this Act to pay his fees into the treasury who shall credit any person for fees, percentage, or commissions, for any service rendered under this Act, for which he is allowed to charge, shall do so at his own

Officers
liable for
fees.

risk, and the same shall be entered in the fee-book, and paid over at the beginning of each month, the same as if it had not been credited.

Penalty for neglect.

SEC. 13. Any officer required by this Act to keep a fee-book who shall refuse or willfully neglect to keep such fee-book, or to make out and file such sworn statement, or who refuses or willfully neglects to pay such fees monthly to the County Treasurer, shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than ten thousand dollars, or by imprisonment in the State Prison not less than one nor more than five years, or by removal from office.

Fees to be paid over.

SEC. 14. All fees or commissions allowed to or received by the Auditor, Collector, Assessor, or Treasurer, from the State, for assessing, collecting, keeping, and paying over any of the revenues of the State, or for any service whatever in connection with such revenue, shall be paid by the officer receiving, or to whom such fees or commissions are allowed, into the county treasury, except such sums as may be allowed the Sheriff by the State, for the conveyance of prisoners to the State Prison and the conveyance of insane persons to the Insane Asylum, and such sums as he may receive for the arrest or conviction of criminals, from the State, except also the percentage allowed the Assessor for the collection of State poll-tax, and sums allowed the County Treasurer by the State, in making his settlements with the State Treasurer.

Salary Fund, how applied.

SEC. 15. All fees, compensation, commissions, percentage, or payments paid into the county treasury under section eleven of this Act shall constitute and be known as the "County Salary Fund," and no part of said fund shall be disbursed for any purpose other than the payment of salaries of officers, per diem and mileage of members of the Board of Supervisors.

Deficiency tax.

SEC. 16. The Board of Supervisors shall, at the time of making up the annual levy of taxes for the fiscal year eighteen hundred and seventy-seven and eight, and annually thereafter, at the time of making up their annual levy of taxes, include therein an amount sufficient to cover all estimated deficiencies in the County Salary Fund, which shall be collected in the same manner that other taxes are collected, which said amount, when collected, shall be apportioned to the County Salary Fund; *provided*, that said amount so levied shall not in any one year exceed the sum of thirty cents on each one hundred dollars of the taxable property of the county.

Salaries, how paid.

SEC. 17. It shall be the duty of the Auditor, except as hereinafter provided, on the first Monday of each and every month, to issue to each and every officer provided for in this Act, and entitled to receive a salary, per diem, or mileage out of the county treasury, a warrant payable out of the County Salary Fund for the amount of his salary for the preceding month; *provided*, that no warrant shall be issued in favor of any officer who is required by this Act to collect and pay over to the County Treasurer any fees, commissions, percentage, or payments, until such officer shall have filed his receipt for

fees paid to the County Treasurer, for the preceding month, with the Clerk of the Board of Supervisors, and shall have presented his fee-book for the preceding quarter to the Board of Supervisors, with same footed up, and the County Treasurer's receipt annexed and the affidavit provided for in section eleven of this Act; *provided further*, that the Auditor shall issue warrants to the Assessor for his salary as follows: On the first Monday of April, for the sum of two hundred dollars; on the first Monday of May, for the sum of two hundred dollars; on the first Monday of June, for the sum of two hundred dollars, and on the first Monday of August, for the sum of two hundred dollars.

SEC. 18. The Board of Supervisors may allow Deputy Assessors such per diem as they shall elect to pay, not to exceed the sum mentioned in section six of this Act, and such Deputy Assessor shall make affidavit as to the correctness of his account and file the same with the Clerk of the Board of Supervisors, and at their first regular meeting thereafter the Board shall examine, and, if found correct, direct the Auditor to draw his warrant for the same, payable out of the County Salary Fund.

Deputy Assessors' per diem.

SEC. 19. Nothing in this Act shall be construed to affect any one holding or to hold any office mentioned in this Act prior to the first Monday of March, eighteen hundred and seventy-eight.

Act, when to take effect.

SEC. 20. All officers not enumerated in this Act shall receive the same fees and emoluments as is now provided by law.

SEC. 21. So much of section seven of this Act as refers to convictions for felony and misdemeanor is hereby made applicable to Sutter County.

Sutter County.

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

SEC. 23. This Act shall take effect from and after the first Monday of March, eighteen hundred and seventy-eight, except section sixteen, which shall take effect from and after its passage.

CHAP. CCCCXXX.—*An Act amendatory of and supplementary to an Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou, approved March twenty-eighth, eighteen hundred and seventy-four.*

[Approved March 31, 1876.]

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

SECTION 1. The Board of Supervisors of the Counties of Humboldt and Siskiyou are directed, at their first regular meetings of said Board after the passage of this Act, to appoint two Commissioners each, as provided in section eleven of the Act to which this Act is amendatory and sup-

Supervisors to appoint Commissioners; same, when to meet.

plementary, whose duty it shall be to meet at Orleans Bar on the fifth day of June, A. D. eighteen hundred and seventy-six, and do and perform all duties required of them by the provisions of this Act and the Act to which this is amendatory and supplementary, not inconsistent with the provisions of this Act; *provided*, that if the Commissioners of either of said counties fail to meet, as herein provided, and the Commissioners from the other county shall be in attendance at said time and place, then the county being in default shall pay to the county not so in default all expenses incurred by reason thereof.

When failure to agree.

SEC. 2. If said Commissioners fail to agree, they shall at once choose some disinterested person, who shall cast the deciding vote upon such matters as to which they shall so fail to agree; *provided*, that if said Commissioners fail to agree as to the person herein authorized to be chosen, they shall certify the fact to the District Judge of the Eighth Judicial District, who shall appoint another Commissioner, who shall cast the deciding vote, as aforesaid; *and provided*, that if said Commissioners shall, from any cause, fail to meet as herein provided, they shall then meet on the succeeding second Monday of August, A. D. eighteen hundred and seventy-six, unless a shorter [time] be agreed upon by the Boards of said counties.

Commissioners to sell county property.

SEC. 3. The Commissioners must sell at auction, to the highest bidder or bidders, for cash, all of the county property of the said Klamath County, both personal and real, as soon after their meeting and organizing as they shall deem expedient, and they are hereby authorized and empowered, in their official capacity, to execute deeds and bills of sale for all property so sold, which shall in all respects be a valid conveyance thereof.

Treasurer of Klamath to pay over moneys.

SEC. 4. P. W. Wasmuth, the Treasurer of Klamath County, shall, upon the meeting and organizing of the Commission herein provided, make an exhibit of the amount of all moneys and property in his custody or under his control as such Treasurer, to said Commissioners, also of all outstanding and bona fide indebtedness of said Klamath County. Such exhibit shall be by said P. W. Wasmuth fully explained to the Commissioners, and they may examine the said P. W. Wasmuth, or any other person or persons, on oath, or the books or papers, touching any or all of said matters. Said Commissioners shall thereupon proceed to ascertain the amount of moneys belonging to Klamath County which is in the possession or under the control of said P. W. Wasmuth. The Commissioners shall allow to P. W. Wasmuth two per cent. on all moneys he may have in his possession belonging to said Klamath County, as full compensation for all services performed by him as Treasurer of said county. P. W. Wasmuth is hereby ordered to pay over to said Commissioners, upon their receipt, all of said moneys, less the amount allowed by the said Commissioners as herein provided.

Apportionment of indebtedness.

SEC. 5. Said Commissioners shall ascertain and apportion the assets of said Klamath County in the same manner as provided for the apportionment of the indebtedness of

said county in section six of the Act to which this Act is amendatory and supplementary. The Commissioners shall pay over to the County Treasurer of their respective counties the sums so apportioned, which shall be set apart by the said counties for the payment of the principal and interest of said assumed indebtedness of Klamath County.

SEC. 6. All suits and proceedings, of whatever kind or nature, now or at any time pending in the District, County, or Probate Courts of Klamath County, and all suits, judgments, orders, and proceedings, of whatever kind or nature, heretofore at any time had or determined in or by any of said Courts, which have not been already transferred to some other county, are hereby transferred to the appropriate Courts of Humboldt County, which last-named Courts shall have the same and as ample jurisdiction thereof as if such suits and proceedings had been originally commenced and such judgments and orders had been originally made in said Courts; and all of the records of said Courts not heretofore transferred to some other Court, shall be delivered to the County Clerk of Humboldt County by the present custodians thereof; and the Clerk of Humboldt County shall have the same power and perform the same duties touching all suits, judgments, orders, and proceedings originally had in said Courts of Humboldt County.

Transfer of actions, records, etc., to Humboldt County.

SEC. 7. The Board of Supervisors of Humboldt County and the Board of Supervisors of Siskiyou County shall allow J. Nally, the Assessor of Klamath County, such sums as he shall be entitled to for services performed in assessing the territory of Klamath County, during the years A. D. eighteen hundred and seventy-four and five, and the Commissioners herein provided for shall certify to their respective Boards of Supervisors such amount as, in their judgment, they shall find the said Assessor entitled to; *provided*, that the sums so allowed by the said Board of Supervisors shall not exceed in the aggregate the salary allowed by law to said Assessors for any one year.

Allowance to Assessor of Klamath.

SEC. 8. The said Commissioners are hereby authorized and fully empowered to do all acts necessary to carry into effect the provisions of this Act, and the Act to which this is supplementary and amendatory.

SEC. 9. Section seven of the Act to which this is amendatory and supplementary is amended to read as follows: Section 7. The Board of Supervisors of Humboldt, and the Board of Supervisors of Siskiyou, each is hereby authorized to levy a tax upon the taxable property of the county, not exceeding ten cents nor less than five cents on each one hundred dollars value per annum, for the purpose of paying the indebtedness assumed under this Act. The said tax shall be assessed, levied, and collected at the same time, in the same manner, and by the same officers as other county taxes are assessed, levied, and collected. The funds raised by such tax shall be set apart and used by said respective Boards of Supervisors only for the payment of the principal and interest of said assumed indebtedness.

Supervisors of Humboldt and Siskiyou to levy tax.

SEC. 10. All provisions in the Act to which this is amend-

atory and supplementary, in conflict with the provisions of this Act, are hereby repealed, so far as they are in conflict.

SEC. 11. This Act shall take effect from and after its passage.

CHAP. CCCCXXXI.—*An Act to amend an Act entitled "An Act concerning roads and highways in the County of Santa Clara," approved March eighteenth, eighteen hundred and seventy-four.*

[Approved March 31, 1876.]

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

Alteration
and location,
notice of.

SECTION 1. Section six of said Act is hereby amended to read as follows: Section 6. Any person or persons proposing to apply for the location, alteration, or vacation of any road or highway, shall give notice of such intention by posting at least three notices in public or conspicuous places along the line of the road or highway proposed to be located, altered, or vacated, one of which shall be posted at each terminus, and one such notice shall be posted at the door of the Court-house in which the Board of Supervisors of said county hold their meetings, at least twenty days previous to the time of making such application, and in such notice shall be set forth, with reasonable certainty, the place of beginning, the terminus, and a general description of the proposed route, and the time at which the application will be made.

Supervisors
to appoint
Viewers

SEC. 2. Section ten of said Act is hereby amended to read as follows: Section 10. Upon filing the undertaking herein provided for, and proof of the giving the notices required in this Act, and at the time specified in the notice for hearing said application, the Board of Supervisors shall appoint as Road Viewers three citizens of the county, as follows: One from their own number, one a practical surveyor, and one disinterested person from the body of the county; and shall place in the hands of such Road Viewers the petition for the road which they are to view, and all applications for damages in the premises. Upon a day named by the Supervisors, or within five days thereof, and after taking severally an oath to perform faithfully the duties devolving upon them as Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether the same is required for public convenience, taking into consideration private as well [as] public interests. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation is necessary, they shall take to their assistance two chainmen and a marker, who shall be sworn by the Road Viewers, or some one of them, to faithfully discharge their duties as chainmen and marker, and shall proceed to survey the proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and termination of said route. The Road Viewers shall

Duties and
powers of
Viewers.

have power and authority to make a departure from the line of road as prayed for in the petition, whenever, in their judgment, it would be to the public interest so to do, from any cause whatever. The surveyor shall make a plat and field notes of said survey or surveys, when more than one route is surveyed, which shall be filed as a part of the report of said Viewers. On or before the first day of the regular meeting of the Board of Supervisors next after that at which such Road Viewers were appointed, or on or before such day as the Board of Supervisors may name, the Viewers shall file with the Clerk of the Board of Supervisors a report of their proceedings, in which they shall set forth :

Report of Viewers, to contain.

First—Who of them were present at the view.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation is or is not advisable, or whether any departure from the line, as proposed by the petitioners, is necessary, and the reasons that render such departure necessary, if they conclude to recommend any departure.

Fourth—A plat and field notes of the survey or surveys, if two be made, which shall indicate the lines of inclosures and possessions cut or touched by the projected road or alterations of road. Not more than one survey and plat shall be made, unless the Viewers shall deem a departure from the line prayed for to be necessary.

Fifth—The expenses of the view and survey.

Sixth—The amount of damages sustained, separately, by each and every person owning, or having any right, title, or interest in or to the lands through or upon which said location, alteration, or vacation is proposed to be made, which said damages the said Viewers are hereby authorized and directed to assess and determine.

Seventh—The width of the road, which shall not exceed seventy feet, nor be less than forty feet.

Eighth—Said Viewers, in making their report of damages, shall take into consideration the benefits arising from every road to the parties to whom they allow damages, and they shall report as to what the benefits consist of; *provided*, that in all cases where the Road Viewers shall make a departure from the line of road as prayed for in the petition, any person or persons affected by such departure shall have ten days, after receiving written notice of such departure and change of route, in which to file their application for damages by reason thereof, and the Road Viewers shall, on or before the day of filing their report, as provided herein, cause written notice of such departure to be served upon all persons affected thereby, in the manner provided in section seven of said Act.

Applications for damages.

SEC. 3. Section twenty-eight of said Act is hereby amended to read as follows: Section 28. All claims for services done, teams or materials furnished, and certified to by the Roadmasters, shall be audited by the Board of Supervisors, and upon approval, in whole or in part, they shall order a warrant for the amount of each claim as approved, to be drawn upon the proper road fund or funds. Roadmasters are

Claims for services, etc.

hereby authorized to take for the use of the road service any timber, earth, gravel, rock, or other material growing or being on any uninclosed and uncultivated lands in the vicinity of a public road, except trees planted or preserved as shade or ornamental trees, and upon application of the owner thereof they shall make such allowance therefor as may be just, and shall give such owner a certificate for the amount due for such property; and upon the presentation of such certificate, and the approval of the Board of Supervisors, such Board shall order a warrant to be drawn for the amount approved, payable out of the proper road fund or funds.

Trespass by
stock.

SEC. 4. Section thirty-seven of said Act is hereby amended to read as follows: Section 37. No stock of any kind whatever shall be allowed to pasture upon any highway, and it shall be the duty of all Roadmasters within their respective districts to take up, or cause to be taken up by some person or persons acting for and under the direction of such officer, all animals found pasturing upon the public highways, and to deal with said animals as provided in an Act entitled "An Act to amend an Act concerning estrays and animals found running at large in the County of Santa Clara," passed April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-seventh, eighteen hundred and seventy-two; and said Roadmasters are hereby empowered and directed to proceed under said Act against all animals so found running or trespassing on the public highways.

SEC. 5. Whenever any road district heretofore existing has been or may hereafter be divided into two or more districts, all warrants heretofore or hereafter legally drawn and unpaid upon the Road Fund of such district, from which said two or more new districts may have been or shall hereafter be created, shall be paid in equal sums out of the Road Funds of such new road districts; and whenever two or more road districts heretofore existing in said county have heretofore been or shall hereafter be consolidated so as to form but one road district, all warrants heretofore or hereafter legally drawn upon the respective funds of said road districts so consolidated shall be paid out of the Road Fund of such new road district.

SEC. 6. This Act shall take effect from its passage.

CHAP. CCCCXXXII.—*An Act fixing the salaries and compensation of certain officers of San Luis Obispo County.*

[Approved March 31, 1876.]

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

SECTION 1. The following officers of the County of San Luis Obispo are salaried officers, and shall receive the follow-

ing salaries respectively, payable out of the county treasury of said county: The County Judge, eighteen hundred dollars per annum. The County Assessor, fifteen hundred dollars per annum for himself, and he may receive twelve hundred dollars per annum in addition for the payment of all his deputies, but no payment shall be made for deputies except for the time they are actually employed. The County Clerk, eighteen hundred dollars per annum. The Sheriff, forty-five hundred dollars per annum. The County Superintendent of Common Schools, six hundred dollars per annum. The District Attorney, one thousand dollars per annum, and he shall be allowed to retain to his own use all fees allowed by law for convictions, and all commissions on forfeited recognizances when collected by him from defendants, but in no case shall such fees and commissions become a county charge, or be paid to him from the county treasury.

Salaries of Judge, Assessor, Clerk, Sheriff, Superintendent of Schools, and District Attorney.

SEC. 2. The County Clerk may appoint one Deputy County Clerk to act as Deputy County Clerk, whose salary is nine hundred dollars per annum, and he must appoint one Deputy County Clerk to act as Deputy County Recorder, whose salary is nine hundred dollars per annum. The Board of Supervisors of said county from time to time, whenever they may deem it necessary, may authorize the County Clerk to appoint one additional Deputy Recorder, whose salary will be at the rate of nine hundred dollars per annum, but the deputy so appointed may be dismissed, and his salary discontinued, at the option of said Board, whenever said Board may determine his services are not required by the exigencies of the business of the office, and said deputy shall be paid only for the time he actually serves.

Deputy Clerk and Recorder.

SEC. 3. The salaries to Deputy Assessors must be audited and allowed by the Board of Supervisors for the time they actually serve, but such allowance shall not exceed in the aggregate twelve hundred dollars per annum, and no one deputy shall be paid a greater sum than at the rate of five dollars per day for the time actually served by him.

Deputy Assessors.

SEC. 4. No other compensation shall be allowed or paid any of the officers aforesaid, other than the salaries and compensation prescribed in this Act, except that the Sheriff may retain to his own use all mileage allowed by law for the conveyance of prisoners to the State Prison and of insane persons to the State Insane Asylums, and except that the Assessor may retain to his own use the commissions allowed by law for collecting personal property taxes. The officers mentioned in this Act, with the exceptions herein provided, who are entitled to charge, collect, or receive any fees, commissions, percentage, or other compensation, of whatever kind or nature heretofore allowed by law, or which hereafter may be allowed by law, for services rendered by them or their deputies in their several official capacities, or for the performance of duties appertaining to said offices, must collect and safely keep the same, and on the first Monday in each month must pay the total amount by them received into the county treasury. All moneys paid into the county treasury, under

Other fees and mileage.

the provisions of this Act, must be placed in the County General Fund, out of which the current expenses of the county are paid.

Salaries, how paid. SEC. 5. The salaries prescribed herein must be paid monthly upon the warrants of the County Auditor, except as regards the compensation allowed to Deputy Assessors, which must be audited and allowed by the Board of Supervisors, and paid as other demands against the county allowed by said Board are paid.

Fee-books. SEC. 6. The County Clerk and Sheriff must each keep a book in which shall be entered, by items, the amounts received for all official services performed by them, or their deputies, showing the date and nature of such services, and the amounts received therefor, which book shall be the property of the county, and shall be open to public inspection; and each of said officers must, on the first Monday of every month, make out and file with the County Auditor a full and accurate transcript from said book of the entries of the preceding month, with an affidavit attached thereto, and by him subscribed and sworn to, as follows: I, ———, of the County of San Luis Obispo, do swear that the foregoing is a true and correct statement of all the fees, commissions, and compensations, of whatever nature or kind, allowed by law for services rendered by me or my deputies in my official capacity, for the month of ———, 18——, and that I have paid the same to the County Treasurer.

Fees payable in advance. SEC. 7. The fees receivable by the County Clerk and Sheriff must be paid in advance, and it is hereby made the duty of said officers to collect all fees in advance, and either of said officers who shall credit any person for fees, percentage, or commissions for any services rendered in the discharge of his official duties, shall do so at his own risk, and the same shall be entered in the fee-book, and paid over on the first Monday of each month the same as if it had not been credited.

Act, when to take effect. SEC. 8. This Act shall take effect, as to all officers mentioned herein, except the County Judge and Assessor, on the first Monday of March, eighteen hundred and seventy-eight, and as to the County Judge it shall take effect on the first day of January, eighteen hundred and eighty, and as to the Assessor it shall take effect on the first Monday of March, eighteen hundred and eighty.

CHAP. CCCCXXXIII.—*An Act to authorize the President and Secretary of the Exempt Fire Company of the City and County of San Francisco to administer oaths in certain cases.*

[Approved March 31, 1876.]

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

Oaths. SECTION 1. The President and Secretary of the Exempt Fire Company of the City and County of San Francisco, or

either of them, shall have power to administer oaths and affirmations in all matters relating to the business of said company.

SEC. 2. Any person swearing or affirming falsely before such officer or officers, or either of them, shall be deemed guilty of perjury, as defined in sections one hundred and nineteen, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, and one hundred and twenty-seven of Chapter Five, Part One, Title Seven of the Penal Code of the State of California, and shall be subject to the penalties therein prescribed.

SEC. 3. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

CHAP. CCCCXXXIV.—*An Act to establish and maintain public and private roads in the County of Santa Cruz.*

[Approved March 31, 1876.]

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

SECTION 1. Any ten inhabitants of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof, over what lands, and who the owners thereof are; whether the owners consent thereto, and if not, the probable cost of the right of way; the necessity for and the advantages of the proposed change.

SEC. 2. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Supervisors, in double the amount of the probable cost of the viewing and laying out, or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road finally not opened.

SEC. 3. Upon filing such petition and bond, the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way and their views of the necessity thereof.

SEC. 4. The Road Viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the

proposed alteration or new road over the most practicable route; notify, as required by section twenty-two of this Act, the owners of land over which it passes, of the proposed route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be had.

Report of Viewers.

SEC. 5. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors:

1. The course, termini, length, and probable cost of construction of the proposed road.
2. The estimate of damage, separately, to each owner of land over which it is proposed to run the road.
3. The names of land owners who consent to give the right of way, and their written consent thereto.
4. The names of land owners who do not consent, and the amount of damage claimed by each.
5. Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

SEC. 6. No report of Viewers must be approved by the Board of Supervisors, which, without the consent of the owner and occupant, runs the road:

1. Through an orchard of four years' growth.
2. Through a garden or yard four years cultivated.
3. Through buildings or fixtures for the purposes of residence, trade, or manufacture.
4. Through inclosures necessary for the use or enjoyment of the buildings or fixtures.

Unless the Board of Supervisors are satisfied, from personal examination, observation, or from the sworn statement of at least six respectable residents of the road district, that the opening of such road through such premises is an absolute necessity, a great public benefit, or a great convenience to a moiety of the inhabitants of the district.

Compensation of Viewers.

SEC. 7. The Viewers must be paid three dollars each per day for their services, out of the Road Funds of the districts through which the road passes, and the surveyor his legal fees for services in running out and mapping the road and making the plat and field notes, which must be filed, when required, before he receives his compensation.

Hearing of Viewers' report.

SEC. 8. The Board of Supervisors, on the coming in of the report, must fix a day for the hearing [of] the same, must notify the owners of land not consenting to give the right of way of the hearing, by having written notice served on them as required by section twenty-two of this Act. Said service shall be made ten days prior to the day fixed for the hearing, and must, on the day fixed, or to which it may be postponed or adjourned, proceed to consider all the matters touching the original petition for the location, alteration, or vacation of such road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such

evidence as parties interested may introduce touching the same, and if, in their opinion, the public good and convenience require that the proposed location, alteration, or vacation should be established, they shall confirm the report thereon in whole or in part, as they may deem advisable, and establish said location or alteration, or so much thereof as they may deem advisable, as a public highway; and they may require the payment by the petitioners of all or any part of the damages assessed or the costs which have accrued.

SEC. 9. If any person or persons claiming damages on account of the location or alteration of any road under the provisions of this Act shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within twenty days from the time of final hearing, commence an action against the county by name, for such damages, in a Court of competent jurisdiction, in said County of Santa Cruz, subject to the right to have the place of trial of such action changed, as in other civil cases. Said action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided. The complaint shall be in writing, and shall be verified by the oath of the plaintiff, and the summons, with a copy of the complaint, shall be served upon the District Attorney or Chairman of the Board of Supervisors of said county within twenty days of the time of final hearing, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear on the part of the county, and defend all actions commenced under the provisions of this Act. Unless such action is commenced and such summons issued and served within the time and in the manner in this section provided, the award of the Road Viewers shall become final. The Board of Supervisors may, at any time before the trial of such action, rescind the order establishing the location or alteration of such road, and in such case all actions for damages on account of such location or alteration shall be dismissed, and the costs shall be taxed against the county.

Action for
damages

SEC. 10. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Road Viewers, or than that agreed to be allowed by the Board of Supervisors, all the costs in the case shall be taxed against him and in favor of the county, but in case he recover a greater amount than was awarded, he shall also recover his costs in the action.

Costs, how
taxed.

SEC. 11. No public or private road shall be opened unless all claims for damages shall have been finally determined and compensation made.

SEC. 12. Whenever any public road is established or vacated, a particular description of such road shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, called the road record, and the Clerk of the Board of Supervisors shall, within ten days

thereafter, notify the Roadmaster of such establishment or vacation.

Private roads.

SEC. 13. Private roads may be laid out and established in the same manner as public roads; *provided*, the expense of laying out the same and all damages shall be paid by the party or parties for whose benefit such private road is laid out. The width of private roads shall not exceed forty feet. All private roads shall be opened and kept in good repair by the parties for whose benefit the same were laid out.

Width of highways.

SEC. 14. All highways must be at least fifty feet wide, except those now existing of a less width.

Awards, how paid.

SEC. 15. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the General Road Fund of the county, on the order of the Board of Supervisors, or out of the General County Fund, in the discretion of the Board.

Draining of roads.

SEC. 16. When any road in the County of Santa Cruz needs to be drained, and it be found necessary for that purpose to take the lands or construct a drain in or across the lands of any person, the Roadmaster of the road district in which the land is situated may proceed to have such lands condemned, or so much thereof as is necessary for the purposes of draining the road.

Notice of condemnation.

SEC. 17. The Roadmaster shall serve a notice upon the owner of, or the person in possession of the land, to the effect that he will, at the next regular meeting of the Board of Supervisors, apply to the Board to have the lands condemned, or so much thereof as is necessary, and shall give in the notice substantially a description of the land to be taken, the line of the drain and ditch, and where it shall begin and terminate. The notice shall be served at least ten days before such meeting of the Board, where the owner of the land is a resident of the county; but if he is a non-resident, the notice shall be deposited in the post-office, directed to him, post-paid, at least twenty days before the meeting of the Board. Where the owner is a minor, idiot, or an insane person, the notice shall be served upon his guardian.

Application for damages, notice of.

SEC. 18. Any person owning or in possession of any land which it is proposed to condemn, or upon which it is proposed to locate or establish any drain or ditch, and desiring to apply for damages therefor, shall give notice of his intention in writing to the Board of Supervisors on the said next regular meeting day of the Board, to claim such damages. All persons who fail to give such notice at such time shall be considered as having waived their right to damages, and such failure may be plead in bar to any action for damages.

SEC. 19. On the first regular meeting of the Board of Supervisors, after the service of the notice, the Roadmaster shall present a petition to the Board for the condemnation of the lands needed for drainage purposes. The petition shall state substantially the matters provided to be stated in the notice, the name of the owner of, or the person in possession of the land, the reasons for the taking of the land, and the manner and time of service of the notice required

by this Act. The petition shall be verified by the affidavit of the Roadmaster.

SEC. 20. If the Board of Supervisors is of the opinion that the drainage of the road is practicable, and that the taking of the lands, or the construction of a drain or ditch thereon, is necessary for that purpose, it shall appoint as Road Viewers three citizens of the county, who, after taking an oath to perform faithfully the duties devolved upon them as Road Viewers, shall, as soon as practicable, view and designate the land proposed to be taken, or the route of the ditch or drain, and shall lay out the course of the drain or ditch, distinctly marking the beginning and ending of the same, and a space of land on each side thereof, for access to the same, not more than six feet wide on each side. They shall also estimate the damages accruing to any person thereby; *provided*, that no land covered by orchards, vineyards, or houses, or other improvements of a substantial character shall be taken under the provisions of this Act. Viewers to lay out ditch.

SEC. 21. On the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers are appointed, or at a special meeting of the Board called for considering the matter, the Road Viewers shall file with the Clerk of the Board a report of their proceedings in the premises, which shall show: Viewers to file report.

First—Who of them were present.

Second—That they were sworn.

Third—Whether the taking of the land or the location of any drain or ditch thereon is or is not advisable.

Fourth—A description of the land or of the route of the ditch or drain.

Fifth—The amount of damages sustained by such applicant for damages.

Sixth—The acreage of the land taken, or the depth, width, and length of the ditch or drain.

The Board may hear any evidence touching the matter, and, if in its opinion the public good and convenience require the proposed drainage of the road, and that the land taken, or ditch or drain shall be constructed, it shall confirm the report of the Road Viewers, in whole or in part, thereon, and establish the selection of the land or the location of the ditch or drain, and direct the amount of damages to be paid out of the County Road Fund of the county.

SEC. 22. If any person claiming damages under the provisions of section sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), of this Act is dissatisfied with the award of the Viewers, and cannot agree with the Board of Supervisors as to the amount of his damages, he may proceed against the county by suit, as is provided for in section nine (9) of this Act, and section ten (10) of this Act is hereby made applicable to such suit or proceeding. The notices required by the preceding sections of this Act shall be served personally upon the owners of the lands affected by the proceedings of which notice is given, or, if the owner is a minor, idiot, or insane person, having a guardian, then upon such guardian; *provided*, that if such When action may be brought for damages.

owner or guardian is a non-resident of the county, or if such minor, idiot, or insane person has no guardian duly appointed, then it shall be sufficient to post notices in three public and conspicuous places on the land of the owner affected by such proceeding, and to notify the occupant thereof, if any. Any person claiming damages under any of the proceedings authorized by the preceding sections of this Act shall, before the day of hearing provided in sections eight and twenty-one of this Act, give notice to the Board of Supervisors of their claim for damages, and any claimant failing to give the Board such notice shall be deemed to have waived all claims for damages, and to have dedicated the land sought to be taken to the public use.

Public
bridges.

SEC. 23. All public bridges, not otherwise specially provided for, are maintained by the road districts in which they are situate, the districts which they unite, and the county at large, in the same manner as highways, and under the management and control of the Board of Supervisors, the expense of constructing, maintaining, and repairing the same being primarily paid out of the Road Fund of the district, in the hands of the Roadmaster or County Treasurer, and from road poll-taxes.

Same

SEC. 24. Whenever it appears to the Board of Supervisors that any road district would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county, or out of the General County Fund, or both.

Same.

SEC. 25. No bridge, the cost of the construction or repair of which will exceed the sum of five hundred dollars, must be constructed or repaired except on order of the Board of Supervisors. When ordered to be constructed or repaired, the contract therefor must be let out to the lowest bidder, after reasonable notice given by the Board of Supervisors, by publication, at least two weeks, in a county newspaper in said county, the bids to be sealed, opened, and the contract awarded at the time specified in the notice. The contract and bond to perform it must be entered into to the approval of the Board of Supervisors.

Same

SEC. 26. If the Roadmaster of one road district, after five days' notice from the Roadmaster of an adjoining district to aid in the repair of a bridge in which each are interested, fails so to aid, the one giving notice may make the necessary repair, and must be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

Supervisor
to have
supervision

SEC. 27. The Supervisor of each supervisor district shall have the general supervision of the public roads in his supervisor district. He shall view all work performed, and materials furnished for the public roads, and may be present at any view or location, or change of location of any public road authorized to be made by the Board of Supervisors.

Roadmaster.

SEC. 28. The Board of Supervisors shall appoint a Roadmaster for each road district, who shall hold his office from

the time of appointment, and until the expiration of the road year during which he was appointed; *provided*, the said Board may remove from office any Roadmaster at any time. Each Roadmaster shall be a resident citizen and tax-payer of the district for which he was appointed. It shall be the duty of the Clerk of the Board of Supervisors to notify the persons so appointed of their appointment, and each of them shall thereupon, or within ten days thereafter, qualify by taking the oath of office, and by filing a bond with the County Clerk, in the form prescribed by the Political Code, conditioned for the faithful performance of the duties of the office, in the penal sum of one thousand dollars.

SEC. 29. The Board of Supervisors shall levy annually, at the regular meeting of the Board in March, or at any meeting thereafter, a road poll-tax of not exceeding three dollars for the succeeding road year, collectable immediately, on all able-bodied men between the ages of twenty-one and fifty years, and shall cause proper blank road poll-tax receipts to be prepared, of a uniform appearance, which shall be numbered consecutively, and signed by the Chairman of the Board, who shall thereupon deliver the same to the Auditor, taking his receipt therefor. The Auditor shall countersign said poll-tax receipts, and enter the amount of tax thereon, and issue to the Road Poll-tax Collector such a number of said receipts as may be needed by him, taking his receipt therefor.

Road poll-tax.

SEC. 30. The Roadmaster of each road district shall be Road Poll-tax Collector for his district. It shall be the duty of said Road Poll-tax Collector to proceed to collect the said road poll-tax on the first Monday in March of each year, or as soon thereafter as the same shall be levied, and shall continue to collect and enforce the collection of said tax from all residents of said county liable to pay such tax, while any of said tax remains unpaid. If any person liable to pay such tax shall refuse or neglect to pay the same, the said Tax Collector shall have the power, and shall proceed to collect the same in the same manner as is provided by law for the collection of poll-taxes; and it shall not be a defense to the collection of said tax that the same has not been listed by an Assessor, or by said Poll-tax Collector.

Roadmasters to collect same.

SEC. 31. Upon the payment of a road poll-tax, the Road Poll-tax Collector shall deliver to the person paying such tax a receipt, as furnished to him by the Auditor, and signed by the said Tax Collector. Any Tax Collector failing to deliver a receipt, as required by this section, to any person who has paid his road poll-tax, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred or more than five hundred dollars.

Misdemeanor.

SEC. 32. Corporations or other employers of residents in any road district are responsible for the road poll-tax of their employes, after notice to them that such poll-taxes are due from said employes; *and provided*, that wages to the amount of such poll-tax are due to each of said employes from such corporation or employer, the amount thereof may be deducted

Employers responsible

from the wages so due; and a notice to the employer or managing agent, requiring the payment of road poll-tax of the employé, charges such employer or corporation with such road poll-tax, and the Tax-Collector shall have the right to demand of any employer or managing agent a complete and correct list of the names of the men employed by such corporation or employer in his district; and any such employer or managing agent refusing or neglecting to give such list when demanded by the said Tax Collector shall be liable to a fine of not less than ten, nor more than fifty dollars, to be recovered by action before a Justice of the Peace, in the name of the Road Poll-tax Collector. All fines collected under the provisions of this Act shall be paid into the county treasury, and shall be placed to the credit of the Road Fund of the district in which said fine is collected.

Sale of
personal
property for
taxes.

SEC. 33. The Poll-tax Collector may collect poll-tax from any person liable therefor, by seizure and sale of any personal property owned by such person. The sale must be at public auction, and of a sufficient amount of the property to pay the taxes and costs hereinafter allowed. Five days' notice of the time and place of sale must be given by posting in three public places in the road district, and on payment of the price bid for any property sold, and the delivery thereof with a bill of sale, vests the title thereto in the purchaser. All excess over the taxes and costs of the proceeds of any such sale must be returned to the owner of the property sold, and until claimed, must be deposited in the county treasury, subject to the order of the owner, his heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner. The Poll-tax Collector shall collect, in addition to said tax, two dollars as costs of such seizure and sale, which said costs shall be accounted for to the Board of Supervisors, and paid into the county treasury for the benefit of the road district.

Collector's
statement.

SEC. 34. The Road Poll-tax Collector shall quarterly deliver to the County Auditor a statement in writing, under oath, containing a full, true, and correct list of all persons who shall have paid a road poll-tax, and the total amount of road poll-taxes and costs collected in each road district during the preceding quarter. The County Auditor shall place to the credit of each road district the amount of road poll-taxes and costs collected in said district, and shall furnish to the said Tax Collector a statement of the amount due to each road district of the tax thus collected and accounted for. The said Tax Collector shall thereupon present such statement to the County Treasurer, and shall pay to him the amount of money due, as shall appear by such statement. The County Treasurer shall deliver to the said Tax Collector duplicate receipts for the money thus paid, one of which receipts shall be filed with the County Auditor. On the first Monday in March in each year the said Tax Collector shall return to the County Auditor all road poll-tax receipts then remaining in his hands and not used, and the County Auditor shall then and there make a final settlement with the said Tax Collector for all road poll-tax receipts delivered to him.

SEC. 35. The County Treasurer shall place to the credit Treasurer. of each road district the amount of money received by him from the said Tax Collector, derived from the collection of road poll-taxes in such district, and shall pay out of the same all warrants of the County Auditor, which warrants shall be based upon allowances made by the Board of Supervisors for labor performed on or material furnished for the public roads of such district.

SEC. 36. The Board of Supervisors shall have the power Commuta-
tion. to authorize the Roadmasters of any or all road districts to commute the payment of the road poll-tax with any or all persons liable to pay said tax in such district, by performance of labor on the public roads in such district, on such terms as the Board of Supervisors may direct. Upon the performance of such labor, the Roadmaster shall deliver to the person who has performed the same, a receipt for such labor, and any person holding such a receipt shall not be liable to pay a road poll-tax during the road year in which such labor was performed.

SEC. 37. The Board of Supervisors shall have power to provide by ordinance for the protection of all highways and bridges.

SEC. 38. The Board of Supervisors shall have power to Assistant
Road-
masters. appoint, in each road district, one or more Assistant Roadmasters, and all provisions of this Act relating to Roadmasters shall be applicable to such Assistant Roadmasters.

SEC. 39. If any highway, duly laid out or established, is encroached upon by fences, buildings, or otherwise, the Roadmaster of the district may, orally or in writing, require the encroachment to be removed from the highway.

SEC. 40. Notice must be given to the occupant or owner Encroach-
ments. of the land, or person causing or owning the encroachment, or left at his place of residence, if he reside in the county; if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days.

SEC. 41. If the encroachment is not removed, or commenced to be removed and diligently prosecuted, prior to the expiration of the ten days from the service or posting the notice, the one who caused, owns, or controls the encroachment, forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Roadmaster must forthwith remain [remove] the same.

SEC. 42. If the encroachment is denied, and the owner, occupant, or person contracting the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the Roadmaster must commence, in the proper Court, an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, as also his costs in such action.

SEC. 43. If the encroachment is not denied, but is not removed for five days after the notice is completed, the

Roadmaster may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also, for each day the same remained after notice was complete, the sum of ten dollars, in an action for that purpose.

Injury to
highways

SEC. 44. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code.

To mile-
boards

SEC. 45. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code.

Trees

SEC. 46. Whoever cuts down a tree so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of ten dollars for every day the same remains in such highway, to be collected at the suit of the Roadmaster.

Misdemeanor.

SEC. 47. The Roadmaster may put upon bridges under their charge notices that there is ten dollars fine for riding or driving on this bridge faster than a walk. Whoever thereafter rides or drives faster than a walk on such bridge is guilty of a misdemeanor, and, upon conviction, is punishable by a fine of ten dollars, or by imprisonment not exceeding five days in the County Jail. One-half of said fine shall be paid to the informer.

SEC. 48. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree planted and standing on any highway, forfeits twenty-five dollars for each such tree, and punishable as provided in section fifty-one of this Act.

Fines, how
applied.

SEC. 49. All penalties or forfeitures given in this Act, and not otherwise provided for, must be recovered by the Roadmaster of the respective road districts, and be applied on the highways in which they are collected, except as herein otherwise provided.

Sidewalks,
trespass
upon

SEC. 50. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors; and any person using such sidewalk with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass and for all damages thereby.

Owners may
plant trees

SEC. 51. Any owner or occupant of land adjoining a road not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in regular rows, at a distance of at least twenty feet from each other, and not more than six feet from the boundary of the road. If the road is more than six rods wide, the rows must not be less than six nor more than twelve feet from the boundary of the road. Any person willfully injuring said trees shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not exceeding three hundred dollars,

or by imprisonment in the County Jail not exceeding three months.

SEC. 52. Roads laid out and recorded as such by order of the Board of Supervisors, or laid out or established by others and dedicated to the public, or roads used as public roads for a period of five years, unobstructed, next preceding the passage of this Act, are roads or highways, within the meaning of this Act. Whenever any corporation owning a toll-bridge or a turnpike, plank, or common wagon road, is dissolved, or has expired by limitation, or discontinues the road or bridge, the road or bridge becomes a public highway. Highways defined.

SEC. 53. The road poll-tax herein provided for must not be levied or collected from the inhabitants of incorporated towns and cities which, by municipal authority, levy such taxes for streets and alleys thereof. Bridges crossing the line between cities or towns and road districts must be constructed by the cities or towns and the road districts into which such bridges reach, proportionately. Cities excepted.

SEC. 54. For days actually employed on the road, Roadmasters shall receive for their services three dollars per day. Assistant Roadmasters shall receive for their services two dollars and fifty cents per day, to be audited and allowed by the Board as other claims. Salary of Roadmasters.

SEC. 55. All former Acts or parts of Acts applicable to public and private roads in the County of Santa Cruz, and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed. Nothing in this Act shall be so construed as to conflict with the Acts incorporating the Towns of Santa Cruz and Watsonville.

SEC. 56. This Act shall take effect immediately.

CHAP. CCCXXXV.—[See volume of *Amendments to the Codes*]

CHAP. CCCXXXVI.—*An Act concerning certain taxes in the Counties of Placer and Nevada.*

[Approved March 31, 1876.]

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

SECTION 1. The Boards of Supervisors of the Counties of Placer and Nevada, with the consent and approval of the Attorney-General of said State, are hereby authorized and empowered to compromise and settle all State, county, and district taxes now due, or claimed to be due from the Central Pacific Railroad Company, on property in said respective Compromise with railroad company.

counties, including the said taxes for the fiscal years A. D. eighteen hundred and seventy-two and three, and eighteen hundred and seventy-three and four, upon such terms as said Boards may deem for the best interests of said State and counties; and upon the like terms to compromise, settle, and dismiss any and all suits, actions, and special proceedings now pending, or which may hereafter be instituted in any Court, State or Federal, for the collection of, or in relation to said taxes or any part thereof.

Meetings of
Boards.

SEC. 2. For the purposes of this Act said Boards of Supervisors may meet without previous notice, when the members thereof are all present at the county seats of said counties; and for the like purpose, the Presidents of said Boards may call a meeting of said Boards upon not less than two days' previous notice thereof to each member, at which last-named meeting a majority of said members shall constitute a quorum.

SEC. 3. For the purposes of this Act, but not otherwise, all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCCCXXXVII.—*An Act to enable the City of Sacramento to settle a judgment obtained against it by Paulina C. Fowle.*

[Approved March 31, 1876.]

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

Trustees to
issue bonds
to Paulina C.
Fowle.

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized and empowered to issue ten bonds of the said city, pledging its faith and credit for their payment, and payable in United States gold coin, one payable in one year from the first day of July, eighteen hundred and seventy-six, for eight thousand dollars, and nine other bonds for the sum of six thousand dollars each, payable respectively on the first day of July of each succeeding year up to and including the year eighteen hundred and eighty-six, with interest on each of said bonds at the rate of seven per cent. per annum, payable annually; such interest to be represented by coupons attached to each bond, and to be computed from the first day of July, eighteen hundred and seventy-six. Each of said bonds shall be issued to Paulina C. Fowle, or her assigns, and signed by the Mayor of said city, and attested by the Clerk of said Board of Trustees, with the corporate seal of said city attached thereto.

Bond and
interest tax.

SEC. 2. The said Board of Trustees, in the year eighteen hundred and seventy-seven, and in each of the nine succeeding years, shall levy a special tax upon all the taxable property of the said city sufficient to meet and pay the bond and interest due in such year, which taxes so levied shall be col-

lected at the same time and in the same manner as the other taxes of said city, and shall constitute a special fund, to be devoted exclusively to the payment of such bonds and interest.

SEC. 3. The judgment referred to in the preceding title was entered in the Circuit Court of the United States for the State of California on the eighth day of February, eighteen hundred and seventy-three, for the sum of fifty-nine thousand and ninety-eight dollars and eighteen cents damages, and eighty-one dollars and thirty cents costs, with interest thereon from date, at the rate of seven per cent. per annum, payable in gold coin of the United States, against the said city, and in favor of the said Paulina C. Fowle.

Judgment rendered.

SEC. 4. Before issuing the said bonds, the said Paulina C. Fowle shall file a stipulation in the Court wherein said judgment was entered, agreeing that no execution or proceeding of any kind shall be had upon said judgment, except to renew the same by action to avoid the bar of the statute of limitations, unless the Board of Trustees should fail to pay said bonds, and in the event the said Paulina C. Fowle shall not have any claim against said city, except for the amount of any bonds and interest on said bonds issued in pursuance of this Act that remain unpaid. The said stipulation shall conform to the provisions of this section, a copy of which stipulation shall be filed in said Court and another with the Clerk of said Board of Trustees.

Stipulation to be filed.

SEC. 5. Should the tax authorized by this Act be insufficient to meet the payments of the bonds issued under this Act, the Board of Trustees are hereby authorized to draw upon the General Fund for such deficiency, and should said tax be in excess of the amount required to pay said bonds and interest, as they become due, the said Board of Trustees are authorized to pay the excess into said General Fund.

Deficiency or excess of tax.

SEC. 6. This Act shall take effect immediately.

CHAP. CCCCXXXVIII.—*An Act to permit Nancy Wilson (a widow) to redeem certain lands sold to the State for delinquent taxes for the fiscal year eighteen hundred and seventy-four and five.*

[Approved March 31, 1876.]

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

SECTION 1. The south half of southwest quarter of section twenty-two and the west half of northwest quarter of section twenty-seven, in township five south of range seven east, Mount Diablo base and meridian, situated in Stanislaus County, State of California, the property of one Nancy Wilson, a widow, having been sold to the State of California for delinquent taxes for the fiscal year eighteen hundred and seventy-four and five, and the time for redemption having

Redemption on payment of delinquent tax.

expired, now upon the payment by said Nancy Wilson, or her assigns, to the Sheriff of said Stanislaus County, of the sum of forty-seven dollars and fifty-two cents gold coin, the amount of such delinquent tax, said Nancy Wilson, or her assigns, shall be restored to all the title and rights in and to all said premises which she had in the same, on the sixth day of March, A. D. eighteen hundred and seventy-five, before the sale thereof for said delinquent taxes, and shall be entitled to a full release and quit-claim from the State of California of all interest of said State acquired by said sale for said delinquent tax.

Quit-claim
deed

SEC. 2. Upon the receipt of said forty-seven dollars and fifty-two cents delinquent taxes, as aforesaid, the said Sheriff of Stanislaus County is hereby authorized and directed to execute and deliver to said Nancy Wilson, in the name of the State of California, a quit-claim deed for the premises hereinbefore described.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCXXXIX.—*An Act to provide for the first election in the Town of Haywards.*

[Approved March 31, 1876.]

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

County
Judge to
give notice.

SECTION 1. Notice of the first election of town officers of the Town of Haywards must be given by the County Judge of Alameda County by publishing the same in a newspaper published in said county, for two weeks successively prior to such election, designating the officers to be elected, the polling-place, and the officers of election. The returns must be made to the County Judge, who must declare the vote and issue certificates of election.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXL.—*An Act to confer further powers on the Board of Trustees of the City of Sacramento.*

[Approved March 31, 1876.]

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

Lots to be
filled in.

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized and empowered, and it is made their duty to require all lots and portions of lots, in the City of Sacramento, north of R Street, west of Fourteenth Street,

south of that portion of the north levee lying east of Sixth Street, south of that portion of I Street lying west of Sixth Street and east of the Sacramento River, which are 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.

SEC. 2. Whenever said Board shall declare a lot, or a portion of a lot, to be included within the provisions of section one herein, they shall cause to be entered in their minutes of proceedings an order, which may be in substance in the following form: "The Board of Trustees of the City of Sacramento hereby determine that (here describe the real estate) is covered with stagnant water portions of the year. It is therefore ordered that the owner or owners thereof fill up the same to a proper level, to be fixed by the City Surveyor, or that the same be filled up at his or their expense."

Form of order.

SEC. 3. Immediately after such order shall have been made, the City Surveyor shall make a survey of such real estate, and determine and mark on the ground the level or grade to which said lot, or portion of lot, must be filled. If two or more lots are embraced in the order, the survey shall determine the grade of all included in the order; and thereupon the Superintendent of Streets shall notify the owner or owners of such real estate to fill up the same within a time stated, which shall be limited by the time given for receiving bids to do the work. The notice shall embrace the order, and invite proposals for doing the work, and fix a time within which the work must be done, and shall be published in a newspaper printed and published in said city, as often as three times a week for three consecutive weeks. The notice may be substantially in the following form: "Notice is hereby given to all whom it may concern, that the Board of Trustees of the City of Sacramento, at their meeting on the _____ day of _____, A. D. 18____, made the following order (here insert the order). Therefore the owner or owners of the real estate embraced in said order are hereby notified to fill up the same to the level or grade fixed by the City Surveyor, within the time herein fixed for receiving bids for doing the work. Sealed bids will be received for doing the work of filling up said real estate, at the office of the Clerk of the Board of Trustees, until the _____ day of _____, A. D. 18____. Bids must include all the work for a gross sum, or for a price per yard of the amount of earth used in doing the work. The work must be completed within _____ days after the acceptance of the bid."

Surveyor to fix grade.

Contract for filling in.

SEC. 4. Any owner of such real estate or of a subdivisional part thereof, who may have commenced and done a portion of the work before the time for receiving bids shall have expired, shall have the right to do the work to completion of his own portion thereof, upon giving bond, with two or more sureties, in a sum to be fixed by the Board of Trustees at its first meeting thereafter, should he, prior to the last day for receiving bids, notify the Superintendent of Streets, in writing, of his intention so to do. The bond must

When work is begun by owners, they may complete it.

be furnished and approved by the City Clerk within five days after the amount shall have been fixed by the Board. Each bidder must accompany his bid with a deposit of one hundred dollars, or a bank check certified to be good for that amount, which shall be forfeited in case he fails to give bonds for the completion of the work in accordance with his bid, and the notice to bidders in case his bid be accepted.

Costs, how
assessed

SEC. 5. The entire expense of doing such work, including the expense of advertising and the services of the City Surveyor, shall be assessed and apportioned against and upon such real estate ratably, and shall be so done by the City Surveyor as soon as the work is completed, and the same shall constitute a lien on such real estate, to take effect as of the date of the acceptance of the bid and approval of the bond of the bidder for doing the work; but in no case shall the City of Sacramento be liable for any portion of such expense. The person doing the work and the City Collector of Taxes are hereby authorized to receive payment of such expenses and assessments.

Discharge of
lien

SEC. 6. Any person desiring to pay the assessment on any subdivision of such real estate shall be furnished by the City Surveyor with the proportion of such expense chargeable against such subdivision, which may be paid direct to the person doing the work or to the City Collector of Taxes for him; and when so paid shall discharge the real estate embraced in such subdivision from the lien created by this Act.

Collection of
delinquent
assessments

SEC. 7. Immediately after the City Surveyor shall have made out the assessment, provided for in section five herein, he shall place the same in the hands of the City Attorney or attorney who shall have by law the collection of delinquent city taxes, who shall advertise notice for three consecutive weeks, as often as once a week, directed to the owners of such real estate, and describing the same in the notice, to the effect that if the assessments be not paid within the time stated in the notice, suits will be commenced to enforce the collection thereof, and suits may be commenced and the payment thereof enforced in all respects as now provided by statute or city ordinance for the collection of street grading or street improvements done by or under authority of said city.

SEC. 8. This Act shall be construed liberally, and all laws and ordinances now in force providing for the grading or improvement of streets in the City of Sacramento, as also all laws and ordinances providing for the collection of assessments for said purposes, so far as applicable, shall be applied in aid of this Act, and for carrying into effect all the provisions thereof.

CHAP. CCCCXLI.—*An Act amendatory of "An Act to reincorporate the City of San José," approved March seventeenth, eighteen hundred and seventy-four.*

[Approved March 31, 1876.]

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

SECTION 1. Section three of said Act is hereby amended so as to read as follows: Section 3. On the second Monday in April in each and every succeeding year, a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as hereinafter provided, viz: a Mayor shall be elected at the charter election to be held on the second Monday in April, eighteen hundred and seventy-six, and on each alternate year thereafter, who shall hold his office for two years and until his successor shall be duly elected and qualified; a City Assessor, who shall be City Clerk, shall be elected at the charter election to be held on the second Monday in April, eighteen hundred and seventy-seven, and on each alternate year thereafter, who shall hold his office for two years and until his successor shall be duly elected and qualified; a City Treasurer, who shall be City Collector, shall be elected at the charter election to be held on the second Monday in April, eighteen hundred and seventy-six, and each alternate year thereafter, who shall hold his office for two years and until his successor be duly elected and qualified; a Chief of Police shall be elected at the charter election to be held on the second Monday in April, eighteen hundred and seventy-six, and on each alternate year thereafter, who shall hold his office for two years and until his successor be duly elected and qualified, unless removed as hereinafter provided; a Commissioner of Streets shall be elected at the charter election to be held on the second Monday in April, eighteen hundred and seventy-six, and each alternate year thereafter, who shall hold his office for two years and until his successor shall be duly elected and qualified, unless removed as hereinafter provided; four Councilmen shall be elected annually, one from each ward, at the charter election to be held on the second Monday in April, who shall be electors and residents of the wards in which they are chosen, and who shall hold their offices for two years and until their successors are duly elected and qualified; four School Trustees (one from each ward) shall be elected annually at the charter election to be held on the second Monday in April, who shall be residents of the wards in which they are chosen, at least thirty days continuously next before said election, and shall hold office for two years and until their successors are duly elected and qualified.

Elections for city officers, terms of.

SEC. 2. Section nine of said Act is hereby amended so as to read as follows: Section 9. The Common Council may adopt rules for its proceedings, shall judge of the qualifications of its members, keep a journal of its proceedings,

Powers and duties of Common Council.

Powers and
duties of
Common
Council.

compel the attendance of its members, and punish for disorderly conduct, and for such conduct may expel a member by a three-fourths vote. It shall have power to remove for good and sufficient cause, and after notice to the party accused, by a three-fourths vote, with the Mayor's approval, any and all city officers, whether elected or appointed (members of the Board of Education excepted), and to fill any vacancy so caused; to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property of the city (except the sale and disposal of the public squares), to construct public buildings and other structures, by contract to the lowest bidder, in such manner as may, to the said Common Council, seem best; to license and regulate all and every kind of business authorized by law, and transacted and carried on in said city; to fix the rates of license tax upon such business; to purchase, hold, and maintain fire engines, and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department, and may provide, by ordinance, the compensation of the officers and members thereof, whenever, in their judgment, it is necessary to organize a paid fire department; to establish fire limits; to construct wells, and cisterns, and aqueducts, and conduits to supply the city with water; to lay out, alter, open, vacate, improve, cleanse, water, and repair streets and sidewalks; to construct sewers and drains; to improve the rivers and streams flowing through the city, or in the vicinity thereof, in order to facilitate the drainage thereof, and to protect the city from overflow; to cause obstructions to be removed from the channels, to raise embankments, and to widen, straighten, and deepen said channels; to repair any property of the city; to create and establish a city police, to prescribe their duties and compensation, and to provide for the regulation and government of said police; to regulate for the protection of health, cleanliness, ornament, peace, and good order of the city; to define, prevent, and remove nuisances; to establish prisons, and provide for the care and regulation of prisoners, for the employment of vagrants and prisoners on the public streets or works of the city; to prohibit and suppress gambling-houses and houses of ill-fame, all indecent and immoral amusements and exhibitions; to regulate the location of slaughter-houses, markets, and houses for the storage of gunpowder and other combustibles and explosive substances; to prohibit the establishment and maintenance of such slaughter-houses, or the storage of gunpowder and other combustibles and explosive substances within the incorporated limits of the city; to purchase, sell, exchange, and improve school lots, and to purchase and construct school-houses; to impose and appropriate fines, penalties, and forfeitures for any and all violations of city ordinances, and for a breach or violation of any city ordinance may fix the penalty by fine or imprisonment, but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any offense, or may provide for sentence to labor on the streets or public property within the city; to pass such ordinances, resolu-

tions, and by-laws for the regulation of the police and entire government of said city as shall not be inconsistent with the provisions of the charter, or with the Constitution and laws of the State or the United States, and any violation of any lawful order, regulation, or ordinance of the Mayor and Common Council of the City of San José is hereby declared a misdemeanor, and all prosecution for the same may be in the name of the people of the State of California.

SEC. 3. Section fourteen of said Act is hereby amended so as to read as follows: 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 preceding 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 thirty cents on each one hundred dollars; for the support of the fire department of the city, a tax not exceeding twenty cents on each one hundred dollars; for the purpose of sewerage and drainage of said city, a tax not exceeding twenty-five cents on each one hundred dollars; and for the General Fund, a tax not exceeding thirty-five 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 shall be collected in the same currency as may be prescribed in reference to State and county taxes.

City taxes,
rate of.

SEC. 4. Section twenty-one of said Act is hereby amended so as to read as follows: Section 21. When any street or portions of any street, which has not been accepted by the city, or the sidewalks, or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Mayor and Common Council, the Commissioner of Streets shall, in compliance with an order of the said Mayor and Common Council, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants, or tenants of any real estate, or of owners of railroad tracks in front of which, or upon and between which, and two feet on each side thereof, such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, specifying in such notice what improvement or repairs are required to be made; *provided*, that where such streets or parts of streets are occupied by railroad tracks, such tracks, and two feet on each side thereof, shall be subject to all the provisions of this section. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Commissioner of Streets may enter into contract with any competent person to make the required improvements or repairs, said contract to be approved by the Mayor and Common Council. The City Assessor shall immediately (upon the approval by the Mayor and Common Council of said contract), proceed to make an assessment of the cost of said work and improvements, and assess the same upon

Concerning
street
repairs, etc.

the owner or owners in front of whose property, or upon whose railroad track, or within two feet thereof, said improvements have been made, and the sum or sums of money so assessed to the owner or owners in front of whose property, or upon whose railroad track, or within two feet thereof, such improvements shall have been made, shall be a lien upon such railroad track or tracks, or upon the real estate in front of which, to the middle of the street, or to within two feet of such railroad track or tracks, the aforesaid improvements or repairs shall have been made, and may be collected and enforced in the same manner as provided in section nineteen of "An Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four;" *provided*, that a separate contract and assessment shall be made for each piece and parcel of land in front of which, or railroad track upon or within two feet on each side of which, such improvements shall have been made.

Street
sprinkling.

SEC. 5. Section twenty-four of said Act is hereby amended so as to read as follows: Section 24. If, at any time, the owners of three-fifths or more of the real estate fronting on any street, counting from one cross-street to any other cross-street, within the corporate limits of the City of San José, shall petition the Mayor and Common Council of said city for the sprinkling and watering of such street between points designated, the Mayor and Common Council may, by ordinance, direct that said street be so sprinkled and watered, and the Commissioner of Streets shall thereupon proceed to advertise for proposals to perform said work in such manner as is in said ordinance provided, and let a contract, subject to the approval of the Mayor and Common Council, to the lowest responsible bidder, to water and sprinkle such street between the points designated, at such times and to such extent as in said ordinance provided. The cost of said sprinkling and watering shall be assessed and collected in the same manner and with like penalties as is provided in section nineteen of an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four, for assessing and collecting the cost of improving streets and sidewalks.

Opening and
widening of
streets.

SEC. 6. Section twenty-seven of said Act is hereby amended so as to read as follows: Section 27. The Mayor and Common Council of the City of San José, upon the presentation of a petition for the opening of any new street, or for the extending or widening of any street in said city, or whenever said Mayor and Common Council shall deem such opening extending, or widening of any street a public necessity, may, in their discretion, direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, and return the same to the Common Council at its next regular meeting, or within such time as the Common Council shall, by ordinance or resolution, direct; and for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands, but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

SEC. 7. Section thirty of said Act is hereby amended so as to read as follows: Section 30. In order to provide for the necessary and proper drainage and sewerage of the City of San José, the Mayor and Common Council of said city are hereby authorized to procure the right of way, by purchase or condemnation, for such main and lateral sewers or drains as they may deem proper for the sewerage and drainage of said city. Such rights of way may be thus secured through lands within the corporate limits, and also, when required, through lands adjacent to and without said city. Whenever, in the opinion of the Mayor and Common Council, it shall be necessary for the public health to have lateral drains constructed to drain any lot or premises in said city, and to connect for that purpose said premises with a main or other public sewer, they shall so determine by ordinance, and cause a survey of such proposed improvement to be made by the City Surveyor, who shall prepare specifications and make a diagram thereof showing the dimensions and character of the said lateral drain, and file the same with the City Clerk for the approval of the Mayor and Common Council, and if approved by said Council the said Clerk shall notify in writing the owners or agents of the lot or premises proposed to be so connected to proceed forthwith to construct, under the direction of the said Street Commissioner, the City Surveyor, and the Chairman of the Sewerage Committee, said lateral drain, specifying in said notice the dimension and kind of conduit required to be made. If such work is not commenced within three days after such notice, and diligently prosecuted to completion, said Commissioner of Streets shall immediately invite proposals, by public notice in the manner prescribed by the Mayor and Common Council for the doing of such work, and shall let a contract for the same to the lowest and best bidder, but no such contract shall take effect until approved by the Mayor and Common Council, who shall have the power to reject any such contract, and direct the Street Commissioner to readvertise for such proposals. Upon the approval of the contract for the doing of such work, it is hereby made the duty of the City Assessor of said city immediately to make an assessment of the cost of such work to the owner or owners of said lot or premises, and shall present said assessment to the Mayor and Common Council for approval, and when so approved the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, who shall thereafter proceed to collect the same in the same manner as is provided in section nineteen of "An Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and seventy-four," for the collection of assessments for the improvement of streets. For the purpose of locating or constructing such lateral drains it shall be lawful for the said Surveyor, or said Street Commissioner, and all persons acting under their direction, to enter in and upon any lot or tract of land in said city, and such entry shall constitute no cause

sewerage
and
drainage.

of action in favor of the owners of the land, except for injuries resulting from negligence, wantonness, or malice.

School
Trustees,
vacancy in.

SEC. 8. Section fifty-nine of said Act is hereby amended so as to read as follows: Section 59. Any vacancy in the office of School Trustee shall be filled by appointment by the Board of Education, and such appointees shall hold office, respectively, until the election next ensuing, and the election and qualification of their successors in office; but no such appointment shall be valid unless the appointee shall have been a resident in the ward wherein the vacancy occurred at least thirty days continuously prior to the date of such appointment.

School Fund.

SEC. 9. Section sixty-one of said Act is hereby amended so as to read as follows: Section 61. The School Fund shall be used and appropriated by the Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, school-census marshals, and other persons who may be employed by said Board.

Second—For the erection of school-houses and making all necessary repairs thereof, and supplying the schools with lights, fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Third—For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department, and insurance of school-houses.

Demands
against city.

SEC. 10. Section sixty-four of said Act is hereby amended so as to read as follows: Section 64. All demands authorized by this Act, when audited and approved, and warrants issued thereon as herein prescribed, shall be presented to the City Treasurer for payment; and the said Treasurer is hereby authorized and required to pay the same from the School Fund of the city, or, if the funds of the city shall be in the hands of a bank depository, as hereinbefore provided for, said warrant thus drawn, signed, and countersigned by the City Treasurer, shall be paid by said bank depository; *provided*, the said Board of Education shall not have any power to contract any debt or liability, in any form whatsoever, in said city, except as authorized by this Act.

CHAP. CCCCXLII.—*An Act to utilize the prison labor and govern the House of Correction of the City and County of San Francisco.*

[Approved March 31, 1876.]

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

Labor to be
utilized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to make all

necessary arrangements, as hereinafter provided, to utilize the labor of the prisoners committed to the Jail or House of Correction of said city and county, for a term of imprisonment, by the Judges of said city and county.

SEC. 2. All prisoners convicted by the Judge of the Police Judge's Court and sentenced to a term in the County Jail or House of Correction, shall be deemed to have been also sentenced to labor during such term, unless said Judge, for good cause, orders otherwise, or for reasons hereafter provided in this Act.

SEC. 3. The Judge of the Municipal Criminal Court of said city and county may sentence criminals to the House of Correction, when in his judgment the criminal is too young to be sentenced to the State Prison, or where it is deemed better for the well-being of the prisoner; *provided*, no prisoner so sentenced shall be sent to the House of Correction by said Judge of the Municipal Criminal Court, whose term, if sentenced to the State Prison, would be more than two years.

SEC. 4. The Board of Supervisors of the City and County of San Francisco are hereby entrusted with the government of the House of Correction, and are hereby empowered to carry out the provisions of this Act, and to see that they are strictly enforced. They shall, on the passage of this Act, appoint a competent Superintendent for the House of Correction of said city and county, who shall also be Treasurer of said House of Correction, and who shall give good and sufficient bonds in a sum, and with sureties to be approved by said Supervisors, for the faithful discharge of his duties, and to whom shall be paid a salary to be fixed by them, not to exceed two hundred dollars per month, paid monthly. Said Superintendent shall only be removed for just and sufficient legal cause, after a fair and impartial investigation of his case by said Supervisors. He shall, immediately after his appointment, and when authorized by said Supervisors, appoint, subject to the approval of the Supervisors of said city and county, such subordinates as may be deemed necessary by the Supervisors, and the pay of such subordinates shall be fixed by said Supervisors, not exceeding one hundred dollars per month to each party so appointed.

Superintendent.

Salary.

SEC. 5. The Superintendent shall manage the general interests of the institution; see that its affairs are conducted in accordance with the requirements of this Act, and of such by-laws as the Board of Supervisors may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates; adjust and certify all claims against the institution; and all by-laws made by said Supervisors for the management of said institution, and not contrary to the laws of this State, shall be binding in all respects upon said Superintendent, officers, and inmates; and said Superintendent shall each year prepare and submit, under oath, to the Board of Supervisors, a report of the concerns of said institution.

Duties of Superintendent.

SEC. 6. The Superintendent shall reside at the House of Correction, have charge of its minutes and property, and be

Accounts.

its Treasurer; keep accounts of all his receipts and expenditures, and of all such property, and account in such manner as the said Board of Supervisors may require; hold all books and papers open to their inspection.

General
manage-
ment

SEC. 7. The Board of Supervisors of said city and county shall provide the House of Correction with yard, of sufficient extent for the convenient employment of the persons confined therein, and inclosed by fences of sufficient height and strength to prevent escapes, and also to prevent all persons from without from access to or communication with any persons confined therein.

SEC. 8. The Board of Supervisors shall cause to be provided, at the expense of said city and county, suitable material and implements sufficient to keep at work all the persons committed to the House of Correction. Said Board of Supervisors, from time to time as the Superintendent may require, shall furnish such raw material, within the yard of said House of Correction, as may be deemed necessary for the constant occupation of the prisoners.

Punishment.

SEC. 9. The Superintendent shall manage the House of Correction, subject to the rules of the said Board of Supervisors and their written orders, and shall be assisted by such police officers as may be required, and whose service shall be obtained by an order by the Board of Supervisors on the Chief of Police, given at least twenty-four hours in advance. The Superintendent shall keep all prisoners employed in such labor, on the public or other works, as may be included in the sentence of the Judge committing the prisoner; and in case the prisoners are disobedient or disorderly, or do not faithfully perform their task, the officers in charge may put fetters and shackles on them, or confine them in dark and solitary cells, and the officers so punishing shall keep a record of the punishment, showing its cause, mode, and degree, and duration of such punishment, and furnish the same to the Superintendent, who shall make monthly report to the Board of Supervisors of such punishment, together with a detailed statement of the workings of the House of Correction. A like record of the conduct of each prisoner shall be kept by the Superintendent, and similarly returned to said Board of Supervisors at the end of each month.

Deduction
for good
behavior.

SEC. 10. For each month in which the prisoner appears, by the record provided for in section nine of this Act, to have been obedient, orderly, and faithful, three days shall, with the consent of the said Board of Supervisors, be deducted from his term of sentence, and for each month that it shall appear from such record that his conduct has been positively good, and that he has rendered a prompt and cheerful obedience to the rules of the House of Correction, five days shall be deducted from such term.

Label of
prisoners.

SEC. 11. The Superintendent shall see that the prisoners are at all times kept at labor on the public works in the City and County of San Francisco at least six hours a day, during six days of the week, when the weather will permit. By the public works, as used in this Act, is understood the construction, or repair, or cleaning of any streets, road, dock, wharf,

public square, park, building, cutting away hills, grading, or other work whatever, which is authorized to be done by and for the use of the said city and county, and the expense of which is not to be borne exclusively by individuals or property particularly benefited thereby.

SEC. 12. The Superintendent may, with the consent of the said Board of Supervisors, let out the labor of the prisoners to good and responsible parties, at a sum per day to be determined by the said Board; *provided*, the prisoners so laboring shall be duly and sufficiently secured at all times while at work. No prisoner or prisoners shall be allowed to go from the walls of the prison without a proper and sufficient guard.

SEC. 13. When any contract shall be entered into between the Board of Supervisors and others for the labor of the prisoners, as provided in the last section, the Superintendent shall keep an exact account of all such hired labor, the number of days' work done, and for whom, and the amount collected or due on such work. The said Board of Supervisors are hereby authorized to apply the proceeds of such labor to defraying the expenses of the House of Correction.

SEC. 14. If any prisoner shall abscond, or escape, or depart from the House of Correction without license, the Superintendent shall have power to pursue, retake, and bring him back, and to require all necessary aid for that purpose; the Superintendent may confine him to his work by fetters or shackles, or in such manner as he may judge necessary, or may put him in close confinement until he shall submit to the regulations of the House of Correction, and for every escape each offender shall be holden to labor in the House of Correction for the term of one month, in addition to the time for which he was first committed. Escapes.

SEC. 15. Male and female prisoners shall be confined and kept separately in the House of Correction.

SEC. 16. The Superintendent shall keep the female prisoners at such work at all times as they are able to perform, and shall provide them with necessary material and means whereby they may be enabled to occupy their time in mending or making clothing, etc., for the public or charitable institutions under the charge of said city and county; or the said Board of Supervisors may, from time to time, when in their judgment it may be beneficial or profitable, hire out the work of such women to the highest bidder, and under like circumstances as are provided for in section thirteen of this Act. Female prisoners.

SEC. 17. When any person is committed to said House of Correction and is too sick for immediate work, the Superintendent shall order him or her to be well taken care of, in such comfortable quarters as may be provided in the institution for the care of the sick by said Board of Supervisors. Should the attending physician deem any prisoner too sick to remain in the House of Correction, the Superintendent may order him or her to be sent to the City and County Hospital until cured, when he or she must be retained to serve out his or her unexpired term of imprisonment. Care of the sick.

Salaries.

SEC. 18. The Board of Supervisors shall fix the salaries of the Superintendent and the other officers of the House of Correction, and shall certify to the Board of Supervisors, every month, the amount of each officer's salary, and said Board of Supervisors are instructed to order the same paid out of the city and county treasury, as other salaries are paid.

Act, how construed.

SEC. 19. The provisions of this Act requiring prisoners to labor are made applicable to prisoners who may be confined in the County Jail on commitments from the Police or Municipal Criminal Court, for punishment for misdemeanor. But nothing in this Act shall be so construed as to require labor from such defendants as may be detained in said County Jail or House of Correction to await trial in any Court, or who may be committed there for contempt of Court, or witnesses in any suit, civil or criminal, or on any civil process.

SEC. 20. The City and County Physician shall be required to visit the House of Correction at regular prescribed times to be fixed by the Board of Supervisors, and without additional salary.

SEC. 21. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLIII.—*An Act to authorize the Board of Supervisors of Sutter County to redistrict North Butte, Buttesylvania, and Columbia School Districts.*

[Approved March 31, 1876.]

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

Petition for.

SECTION 1. Whenever the Board of Supervisors of Sutter County shall receive a petition, signed by a majority of the heads of families of North Butte, Buttesylvania, and Columbia School Districts, asking for a reorganization of said territory into school districts, the Board of Supervisors may redistrict the same in such manner as in their judgment will best subserve the interest of the school children and citizens of said territory.

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

CHAP. CCCCXLIV.—*An Act supplementary to and amendatory of an Act entitled an Act for the better protection of the county treasuries of Sutter, Los Angeles, and Butte Counties, approved March twentieth, eighteen hundred and seventy-six.*

[Approved March 31, 1876.]

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

SECTION 1. The County of Sutter is hereby excepted from the provisions of the Act to which this Act is supplementary; and as to the duties of the County Treasurer, and the examination of his books and accounts, and the counting of the moneys in the county treasury of said County of Sutter, the general provisions of the Political and Penal Codes of this State are restored to and continued in full force and effect.

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

CHAP. CCCCXLV.—*An Act to make applicable a certain Act to San Luis Obispo County.*

[Approved March 31, 1876.]

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

SECTION 1. The provisions of an Act entitled an Act to abate the squirrel nuisance in Stanislaus, Santa Cruz, San Joaquin, Merced, Fresno, San Benito, Tulare, San Mateo, Santa Clara, Monterey, and Kern Counties, approved March eighth, eighteen hundred and seventy-six, are hereby made applicable to the County of San Luis Obispo.

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

CHAP. CCCCXLVI.—*An Act to incorporate the Town of Red Bluff, Tehama County, California.*

[Approved March 31, 1876.]

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

SECTION 1. The inhabitants of the districts hereinafter described shall be and are hereby declared a corporation under the style and name of the Town of Red Bluff, and by that name they and their successors shall be known in law and shall have perpetual succession, and shall have and use a common seal; *provided*, that said corporation shall neither

have nor exercise any powers not expressly authorized by this Act.

Boundaries. SEC. 2. The boundaries of the Town of Red Bluff shall be according to the map thereof on file in the office of the County Recorder of Tehama County.

Government. SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members.

Election of Trustees. SEC. 4. The said Trustees shall be chosen from and elected by qualified electors of said town, on the first Monday of March, and shall hold office as follows, to wit: Two for one year, two for two years, and one for three years, and until their successors, who shall be chosen at an annual election held the day and month above designated, shall be elected and qualified; *provided*, that all elections held under this Act shall be conducted in accordance with the general election laws of this State.

Notice of SEC. 5. Two weeks' notice of said election for Trustees shall be given by the President and Secretary of the Board of Trustees, by publication in the newspapers printed in the Town of Red Bluff; said notice shall designate the time and place of holding said election, and shall name one Inspector and two Judges of said election; *provided, however*, that if the President and Secretary fail to publish said notice, the electors of said town may meet on the morning of the election day, at the Court-house of said town, and appoint one Inspector and two Judges to hold such election, and the same shall be valid and binding as if notice had been published; *provided*, that notice of the first election for Trustees to be held under this Act shall be given by the Clerk of Tehama County. Said notice shall designate the time and place of holding such election, and shall name one Inspector and two Judges of said election, and shall be published in like manner as other notices of election provided for in this Act; *provided*, that if said Clerk shall fail to publish such notice the electors of said town may meet on the morning of election day, at the Court-house of said town, and appoint one Inspector and two Judges to hold such election; the same shall be binding and valid as if notice had been published.

Trustees to organize SEC. 6. Within ten days after said election, said Trustees shall meet and determine by lot their respective terms of office, and before entering upon their duties, they and all officers of the corporation shall each take and subscribe and oath to support the Constitution of the United States and the Constitution of the State of California, and that he will discharge the duties of his office to the best of his ability. Said oath may be taken before any officer authorized to administer oaths, and shall be filed with the Secretary of the Board.

Duties of President of Board. SEC. 7. The Board of Trustees shall choose a President from their number. It shall be the duty of the President to preside at all meetings of the Board of Trustees, to exercise supervision over the acts of the other officers of the corporation, and to countersign all warrants drawn upon the treasury by order of the Board of Trustees. He shall have power to enforce order and decorum at the meetings of the Board,

and may punish, by fine not exceeding twenty-five dollars, or by imprisonment not exceeding twenty-four hours, or by both fine and imprisonment, offenses against the regulations of the Board; said fines may be collected as other fines are, for breach of ordinance. They shall also elect a Secretary of the Board, not of their number, whose duties shall be to keep the papers and documents of the Board and to file them at his office under their appropriate heads; to attend all the meetings of the Board, and keep a correct journal of its proceedings and a record of its ordinances; to sign all warrants issued in pursuance of the order of the Board, and in a suitable book provided for the purpose, keep an accurate account of all such warrants; the ordinances shall be numbered in the order of their passage and suitably indexed. He shall keep the seal of the corporation and shall be ex officio Town Clerk. He shall receive for his salary one hundred dollars per annum.

Salary.

SEC. 8. The Board of Trustees shall have the power, and it shall be their duty so to do, to appoint a Treasurer, a Marshal, and police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. It shall be the duty of the Treasurer to receive all moneys due the town; to pay all warrants drawn by order of the Board, signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one month before the annual election, and at such other times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duty, and shall receive no compensation for services. The Marshal shall be ex officio Assessor and Collector, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commission (which shall be allowed by the Board), over to the Treasurer, taking his receipts for the same; he shall collect and pay over to the Treasurer all fines and costs levied and imposed by reason of a violation of an ordinance of the town, and for such purposes shall have the power conferred by law upon Constables; he shall arrest all persons against whom a warrant shall be directed and delivered to him from any Justice of the Peace of the town, and may arrest, without a warrant, any person actually engaged, in his presence, in any violation of an ordinance, and shall receive such fees as shall be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation, against the defendant; *provided*, that in no case shall he receive greater fees than Constables are allowed by law for similar services. He shall receive no other compensation for his services than that provided for in this Act. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duty.

Trustees to appoint certain officers.

Bonds

Marshal.

SEC. 9. To the Trustees, a majority of whom shall constitute a quorum to do business, no compensation shall be allowed for their services.

Trustees to receive no pay.

Powers of
Trustees.

SEC. 10. The Board of Trustees shall have power to pass such ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary; to determine what are nuisances, and prevent and remove the same; to prevent any or all domestic animals from running at large within the corporation limits; to control and regulate slaughter-houses, or to provide for their exclusion from within the town limits; to prohibit disorderly conduct; to provide for licensing shows and lawful games; to license every kind of business carried on within the town limits; to regulate and restrain theatrical and other amusements, and to fix the rate of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes; to regulate and establish markets; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary to protect the town from injury by fire; to lay out, alter, keep open, and repair the streets, alleys, and public squares, and other public grounds of the town; to purchase or lease such real estate and personal property as may be necessary for the interest of said town, or the transactions of the business of the Board of Trustees or other officers of said town, or the safe keeping of prisoners; to sell and convey the said real and personal property when deemed necessary for the above specified purposes; to grant the right of way to railroad companies within the corporate limits, making such prohibitions and restrictions as the safety of the inhabitants may demand; to levy and collect annually a poll-tax, not exceeding one dollar and a half on each male inhabitant over the age of twenty-one years, and property tax not exceeding one-half per cent. upon the assessed value of the real and personal property owned within the limits of said town.

Board of
Equaliza-
tion.

SEC. 11. That said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of the County Board of Supervisors in similar proceedings. The tax levied under the provisions of this Act is hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are paid or the property has absolutely vested in a purchaser under sale for such taxes.

Indebted-
ness limited.

SEC. 12. The Board of Trustees shall have no power to create any indebtedness exceeding fifteen hundred dollars in the aggregate, upon a credit of the town, or make any expenditures for improvements except as provided for in this Act; nor shall any warrants be drawn upon the Town Treasurer, unless there be sufficient moneys to meet the same after paying the current expenses of the town, and all other demands legally due. The Board of Trustees shall have the further power, whenever they may deem essential the expenditure of a larger sum of money than is specified in this Act as the limit of their power to expend, to make suggestions as to the sums of money needed, and the purposes of its use, and may appoint a time and place of holding an election in conformity with the provisions of this Act governing other

elections, at which the qualified electors of the town may vote for or against a special tax for the purpose designated.

SEC. 13. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may deem necessary. The place of the regular meeting shall be fixed by ordinance. Monthly meetings.

SEC. 14. The Board of Trustees shall by ordinance fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All properties sold for unpaid taxes shall be subject to redemption upon the same conditions as the property sold for State and county taxes. Taxes.

SEC. 15. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published in the newspapers printed in the Town of Red Bluff. Ordinances.

SEC. 16. The Board of Trustees shall have power to examine into the official conduct of any of the officers of the corporation; and if, in the judgment of said Board, an officer has been guilty of misfeasance or malfeasance in office, the Board may remove them from office and fill any vacancy occasioned thereby, or any vacancy occurring by death, resignation, or otherwise. The persons so appointed to fill such vacancy shall hold office until the next annual election. Removal from office.

SEC. 17. The Board of Trustees may appoint an Attorney, and allow him for his services what they may reasonably be worth; *provided*, that his compensation shall not exceed the fees allowed the District Attorney of the county for like service. Attorney.

SEC. 18. The several Justices of the Peace within said town shall have jurisdiction: first, of an action for a fine, penalty, or forfeiture, imposed for a breach of any ordinance of said town; second, of proceedings respecting vagrants or disorderly persons. Said several Justices of the Peace shall also have like jurisdiction in all other actions, whether civil or criminal, arising in said town, and to which said town shall be a party, as now is, or may hereafter be, conferred upon Justices of the Peace by the general law of this State. They may issue such warrants of arrest as may be necessary to enforce such jurisdiction. Justices to have jurisdiction.

SEC. 19. All proceedings and actions under this Act, or any ordinances passed in pursuance hereof, shall be commenced by complaint, setting forth the cause of complaint, so as to enable the defendant to understand the nature of the offense charged, and to answer the complaint. All such complaints shall be verified by the party making them. The answer to the complaint may be oral or in writing, and immediately thereafter the matter shall be tried, unless for good cause shown an adjournment shall be ordered. In all cases the defendant shall, on demand, be entitled to trial by jury composed of not exceeding six or less than three electors of said town. Actions.

SEC. 20. No fine imposed under this Act shall exceed five hundred dollars. Fines.

SEC. 21. Every Justice of the Peace who shall collect any

finer for breach of ordinance, shall pay over the same to the Treasurer, taking his receipt for the same, and such Justice of the Peace shall be liable on his official bond for all sums so collected by him.

Trustees to
be disinter-
ested.

SEC. 22. No member of the Board of Trustees shall be directly or indirectly interested in any contract or sale of anything belonging to said town, or any work or business ordered to be executed by authority of said Board. For violation of this section the members so offending shall be expelled from the Board.

Keeping of
prisoners

SEC. 23. The Board of Trustees shall have power to fix a fine not exceeding five hundred dollars, and a term of imprisonment not exceeding three months, as the penalty for violation of any town ordinance. Until the Board of Trustees provide a place to keep prisoners, the Sheriff of Tehama County shall receive and safely keep until the expiration of the term of imprisonment, or until discharged by due process of law, any person delivered to him by the Marshal under commitment from a Justice of the Peace of said town, the town paying the expenses of the same; *provided further*, that whenever sentence of imprisonment is passed upon such an offender, the Justice of the Peace shall include in such sentence that such offender shall be subject to labor under the charge of the Marshal, provided any provision shall have been made by ordinance for carrying such sentence into effect. They may also in any suit tax a cost thereof against the person so convicted, and the same may be collected by execution as in civil cases.

Poll and
tally lists

SEC. 24. The Inspector and Judges of Elections shall, within one week after the election of Trustees, issue certificates to the Trustees who shall have received the highest number of votes, and shall, immediately after the organization of the Board of Trustees, transmit to the Secretary of the Board the poll list and tally list of said elections. At all elections subsequent to the first election, the Inspectors and Judges shall make their returns and forward the same, within three days after such election, to the Secretary of the Board of Trustees, together with the poll list and tally list.

Road
poll-tax

SEC. 25. The Assessor of Tehama County shall pay to the Treasurer of the Town of Red Bluff one-half of all the road poll-tax collected from citizens residing within the limits of said Town of Red Bluff; said moneys to be used by the Trustees to keep in repair the streets of said town.

Judge to
appoint
Trustees.

SEC. 26. The County Judge of Tehama County shall immediately appoint five Trustees, who shall qualify and act until their successors are elected and qualified.

SEC. 27. This Act shall take effect immediately.

CHAP. CCCCXLVII.—*An Act to amend an Act to protect agriculture and to prevent the trespassing of animals in Tehama County, approved March thirtieth, eighteen hundred and seventy-four.*

[Approved March 31, 1876.]

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

SECTION 1. Section twenty-five of the Act to protect agriculture and to prevent the trespassing of animals in Tehama County, approved March thirtieth, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Section 25. This Act shall apply only to that portion of Tehama County lying west of the Sacramento River and south of "Red Bank Creek;" and all portions of the said County of Tehama lying north of "Red Bank Creek" and east of the Sacramento River are exempted from the provisions of the Act of which this is amendatory; and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, except that this repeal does not include or affect any Act or parts of Acts requiring railroads to be fenced, and all such Acts shall remain in force.

Territory affected.

SEC. 2. This Act shall not be in force until the first day of September, A. D. eighteen hundred and seventy-six.

CHAP. CCCCXLVIII.—*An Act appropriating money for building workshops and prison buildings at the California State Prison, at San Quentin.*

[Approved March 31, 1876.]

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

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated, to be paid out of any money in the State treasury not otherwise appropriated, to be paid to the Board of Prison Directors of the California State Prison, and to be expended for the objects hereinafter specified: for the construction of one large fire-proof workshop four hundred feet by sixty feet, four stories high, with three division fire-walls, and for the purchase of State machinery, shafting, water-pipes, and hose.

Appropriation for shop

SEC. 2. No contract for lumber, iron, or other material to be used in the construction of the prison buildings shall be entered into by the Directors, until publication shall be made in two daily newspapers, published in the City of San Francisco, for at least ten days previous thereto, inviting bids for the supply of such material; such bids, made in the form of sealed proposals, shall be opened in the presence of all the

Contracts for material.

Directors, and the contract shall be awarded to the lowest responsible bidder.

SEC. 3. Any balance of money not expended after the completion of the building mentioned in section one of this Act, may be used by the Board of Prison Directors for the erection or repair of such other buildings as in their opinion is best for the successful management of the State Prison.

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

CHAP. CCCCXLIX.—*An Act to prevent hogs and goats running at large on certain lands in this State.*

[Approved March 31, 1876.]

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

Goats and
hogs.

SECTION 1. It shall be unlawful for hogs or goats to run at large upon lands included in any town site in this State, which has received or may hereafter receive patents under "An Act of Congress of the United States" granting town sites to incorporated towns upon the public lands.

Constables to
take up.

SEC. 2. It shall be the duty of the Constables of the townships within which any of the town sites named in the first section of this Act are situated, to take up all hogs and goats found running at large upon any of the lands included in said town sites.

Sales of
same.

SEC. 3. The Constables shall proceed to sell all hogs and goats taken up, under the provisions of this Act, at public auction to the highest bidder, by giving at least five days' notice of such sale, by posting notices in at least three public places within the limits of said town site in which such hogs or goats were found, stating time and place of sale. All moneys arising from such sale, after paying the expenses of taking up, keeping, and selling are paid, shall be paid to the owner or owners of such hogs or goats, upon demand and proof of ownership, if such demand and proof are made within thirty days from the date of the sale, otherwise it shall be paid into the county treasury, to the credit of the school district in which such town site is situated.

Misdemeanor

SEC. 4. Any Constable purposely neglecting or refusing to take up any hog or hogs, goat or goats, running at large as aforesaid, is guilty of a misdemeanor, and upon conviction may be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and the costs of prosecution. All fines collected under the provisions of this Act shall be paid into the county treasury, and be placed to the credit of the School Fund of the district in which said town site is situated.

Fees.

SEC. 5. The same fees as are allowed to Constables for selling property under execution may be charged and collected for services under this Act. All charges for keeping

of any hog or hogs, goat or goats, must be approved by the Justice of the Peace of the township in which such town site is situated, and he is hereby authorized and empowered to reduce any bill presented for his approval, if deemed too high.

SEC. 6. Nothing in this Act shall be construed to prevent any person from driving hogs or goats through or along any of the public thoroughfares of said town site.

SEC. 7. This Act shall apply to and be in force in the Counties affected. County of El Dorado, Placer, and San Joaquin, and shall take effect on the first day of May, A. D. one thousand eight hundred and seventy-six.

CHAP. CCCCL.—*An Act to provide for the issuance of bonds in the County of Kern, for the payment of the indebtedness of said county.*

[Approved March 31, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Kern are hereby empowered and directed to issue, on behalf of said county, bonds, not to exceed in the aggregate the sum of forty thousand dollars, and to sell the same from time to time, and cause the proceeds thereof to be applied toward liquidating the indebtedness of said county, as represented by warrants outstanding against the several funds thereof, and the amount due and required to be returned to the Swamp Land Fund of said county, at the date of the passage of this Act. Supervisors to issue bonds.

SEC. 2. Said bonds shall be of the denomination of five hundred dollars each, and shall be made payable on or before the first day of January, eighteen hundred and ninety-six, at the office of the Treasurer of said county. They shall bear interest at the rate of ten per cent. per annum, which interest shall be made payable semi-annually, on the first day of July and January of each year, by said Treasurer, at his said office, upon surrender of the respective coupons therefor. Each bond so issued shall be signed by the Chairman of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of said county, and shall purport that said county owes the holder thereof the sum stated on the face of the bond, in gold coin, payable and bearing interest as aforesaid, and the principal and interest shall be payable in gold coin of the United States. When payable.

SEC. 3. There shall be attached to each of said bonds, coupons for interest, which coupons shall be signed by the Chairman of the Board of Supervisors and the County Clerk, and when any interest shall be paid upon any of said bonds issued in pursuance of this Act, the coupons due and paid shall be delivered to the County Treasurer, who shall Interest coupons.

write the word "Canceled" across the face thereof, and shall deliver the same to the County Auditor of said county on making the next settlement with that officer required by law, taking his receipt therefor; and whenever any of said bonds shall be redeemed by said Treasurer, he shall in like manner cancel and deliver the same to the said Auditor, taking therefor his receipt.

Bond and
interest tax.

SEC. 4. The Board of Supervisors of said County of Kern are hereby empowered and directed, from and after the passage of this Act, to levy annually, at the time and in the manner provided by the general revenue laws of this State, for county purposes, a tax on the assessed valuation of the property of said county, sufficient to pay the interest on said bonds; and on and after the year eighteen hundred and eighty-six, a further sum sufficient to pay, in addition to said interest, one-tenth part of the principal amount of said bonds, until they shall have been fully redeemed; and the County Treasurer of said county is hereby required to set apart out of the funds so raised as aforesaid, an amount sufficient to pay the interest; and also, on and after the year eighteen hundred and eighty-six, and until said bonds shall have been fully paid, a sum sufficient to liquidate and pay each year one-tenth of the principal amount of said bonds; and the money so set apart shall be designated as the "Interest and Bond Redemption Fund," and shall not be used for any purpose other than hereinbefore mentioned.

When sur-
plus or
deficiency.

SEC. 5. If the tax levied and collected under authority of the preceding section shall at any time prove insufficient to pay the coupons due, the County Treasurer shall make up the deficiency out of the General Fund, and if the amount realized from said levy shall exceed the amount required to pay the coupons due, the said Board of Supervisors may cause such surplus to be transferred to the General Fund of said county.

Notice of
redemption.

SEC. 6. Whenever there shall be one thousand dollars or more in said Interest and Bond Redemption Fund, exclusive of the amount required for payment of coupons due, the Treasurer shall cause a notice to be published, once a week for four successive weeks, in some newspaper published in said county, and also in some newspaper published in the City of San Francisco, which notice shall state that he is prepared to redeem, on a day to be stated therein, bonds to the amount of said surplus fund, and that until said day at twelve o'clock M., he will, at his office, receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified, he shall, in the presence of the County Auditor, and such other persons as may choose to be present, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par shall be accepted. If no bid shall be offered at par, or less, or if a sufficient amount of bonds be not offered to absorb such surplus fund, then such surplus fund shall be used for the redemption of said bonds according to the number of their issue, of which the County Treasurer shall give the same notice as required by law in the case

of the redemption of county warrants, and from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within three months from the date of such notice, the County Treasurer shall apply the money for the redemption of the bonds next in order of the number of issue.

SEC. 7. Within sixty days after the passage of this Act, the Board of Supervisors of said county shall issue said bonds to an amount which may, in their judgment, be necessary to pay the outstanding warrants of the county at the time of such issue, together with such amount as may be needed in the Swamp Land Fund of said county, and shall sell said bonds to the highest bidder or bidders therefor. In like manner, on the first Monday in December, eighteen hundred and seventy-six, said Board shall issue and sell the remainder of said bonds, or such part thereof as may be necessary to pay such further amount as shall be, at said last date of issue, due said Swamp Land Fund from the General Fund of said county, by reason of transfers made in pursuance of law.

When Supervisors shall sell bonds.

SEC. 8. The Board of Supervisors of said county shall cause a notice to be published, for not less than three weeks, in two newspapers in the City of San Francisco, and also in one newspaper in said County of Kern, stating the time and place of said sale of bonds, and inviting sealed proposals for the purchase thereof. On the day and hour named in said notice, the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Board may reject any and all bids; *and provided further*, that none of said bonds shall be sold at less than ninety-five cents on the dollar of their par value. If, from any cause, the whole of said bonds offered be not sold on said day of sale, then said Board may again advertise for proposals, and sell the remainder thereof in the manner above provided.

Notice and sale.

SEC. 9. All warrants drawn upon any of the funds to which this Act may apply, shall be received at par in payment of bids for the purchase of said bonds. When said warrants are offered in payment for any of said bonds, and before the delivery of said bonds to the purchasers, the interest due on said warrants shall be computed and written upon the face of each warrant by the Auditor of said county, who, for that purpose, shall attend said sale, and take down the data necessary to make such calculations.

Warrants receivable.

SEC. 10. All moneys and warrants derived from the sale of said bonds shall be immediately paid into the county treasury of said county, and the County Treasurer shall give therefor duplicate receipts, one of which he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge the Treasurer with the amount thereof.

Receipts

SEC. 11. All warrants so received shall be canceled by the Treasurer in the same manner as if he had redeemed them in cash, and shall be deposited by him with the Auditor on making his settlements with that officer, in the same man-

Record of bonds.

ner as other county warrants. The Treasurer and Auditor shall each keep an account of the bonds issued, and the moneys received and disbursed under the provisions of this Act.

Bonded Debt
Fund, how
applied.

SEC. 12. All moneys derived from the sale of said bonds shall be set apart, and known as the "Bonded Debt Fund," and shall be applied in the payment and redemption of warrants of said county outstanding against the several funds thereof at the date of passage of this Act, and the amount due the "Swamp Land Fund" from the General Fund of said county. The moneys remaining in said fund, after the payment and redemption of said warrants, if any there be, shall be transferred to the General Fund of said county; *provided*, that the Board of Supervisors of said county may, at any time, caused to be transferred from said Bonded Debt Fund to the General Fund of said county such amount as may be necessary to enable said General Fund to meet the requirements of the Swamp Land Fund of said county.

SEC. 13. As soon as any moneys shall have been paid into the county treasury, under the provisions of section ten of this Act, the County Treasurer shall give notice, as required by law, of his readiness to pay the warrants mentioned in the preceding section, and which have not been surrendered, and from and after the first publication of said notice such warrants shall cease to bear interest.

SEC. 14. This Act shall not be applicable to the "Interest and Building Fund" of said county, nor to the warrants drawn upon said fund.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLI.—[See volume of *Amendments to the Codes*.]

CHAP. CCCCLII.—*An Act to authorize the Board of Supervisors of Lake County to levy a special tax.*

[Approved March 31, 1876.]

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

Special tax
for salaries

SECTION 1. The Board of Supervisors of Lake County are hereby authorized and required to levy a special tax of one-tenth of one per cent. on all the taxable property in said county, in addition to other taxes authorized by law, for the purpose of creating a special fund, to be hereafter known as the County Judge's and District Attorney's Salary Fund of Lake County.

SEC. 2. Said tax shall be levied at the annual meetings of the said Board of Supervisors at which State and county taxes are authorized to be levied, and shall be collected in the same manner as other county taxes, and the money arising therefrom shall be placed in the fund created by this Act, and shall be devoted exclusively to the payment of the salary of the County Judge and the salary of the District Attorney of said county; *provided*, that if at the end of each calendar year a surplus thereof shall remain in said special fund, after the payment of the salaries of the County Judge and District Attorney, such surplus shall be placed in the General Fund of said county.

How levied,
etc

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

CHAP. CCCCLIII.—*An Act to provide for the semi-annual payment of interest and principal of the bonds issued by Modoc to Siskiyou County.*

[Approved March 31, 1876.]

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

SECTION 1. It shall be the duty of the Treasurer of Modoc County, on the fourth Monday of June and December of each year, to make payment to the Treasurer of Siskiyou County of the interest and principal on the bonds issued by the County of Modoc to the County of Siskiyou, under the provisions of an Act to create the County of Modoc and to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four. And said semi-annual payments shall be made in all particulars in accordance with the provisions of said Act.

Treasurer to
make certain
payments.

CHAP. CCCCLIV.—*An Act to fix the terms of the County and Probate Courts in and for the County of Solano.*

[Approved March 31, 1876.]

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

SECTION 1. The regular terms of the County and Probate Courts of the County of Solano shall be held at the county seat of said county on the first Monday in April, August, and December in each year.

Terms of
Courts.

SEC. 2. Each of the said terms of the County Court shall continue until the next regular terms, unless the business of the Court is sooner disposed of.

SEC. 3. Each of the regular terms of said Probate Court shall, either with or without intermediate adjournment, continue to the commencement of the next term.

CHAP. CCCCLV.—*An Act to provide for the maintenance and construction of roads and highways in the County of Mariposa.*

[Approved March 31, 1876.]

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

Public
highways.

SECTION 1. All roads in the County of Mariposa are hereby declared to be public highways, which are now and have heretofore been used as such, and which have been declared such by order of the Court of Sessions or the Board of Supervisors, or which may hereafter be declared public highways by said Board of Supervisors in accordance with the provisions of this Act.

Road
districts

SEC. 2. For all of the purposes of this Act, the road districts as now established shall be the road districts of said county, within the meaning of this law, and said districts may be changed, or new ones created by the Board of Supervisors of said county, whenever they may deem it necessary.

Road
poll-tax.

SEC. 3. The said Board of Supervisors are hereby empowered to levy a road poll-tax on all able-bodied men between the ages of twenty-one and fifty years, which tax shall not exceed the sum of three dollars per capita per annum, payable in gold coin. Said road poll-tax shall be levied by the Board of Supervisors at their last regular meeting in each year, for the year succeeding, which tax shall be due and payable on or after the first Monday in January thereafter; and said Board of Supervisors shall, in their discretion, levy a property tax for road purposes upon all taxable property in said County of Mariposa, of not more than thirty cents upon each one hundred dollars' valuation, which property tax shall be levied and collected at the same time, in the same manner, and by the same officers as other property taxes.

Property
tax.

Tax receipts

SEC. 4. The said Board of Supervisors shall cause to be issued proper blank road-tax receipts, to be printed in a uniform manner, which shall be numbered consecutively, and upon issuance, signed by the Chairman and Clerk of said Board. Said Chairman and Secretary shall deliver the said receipts, from time to time, to the Collector, taking his receipt for the same; and the said Clerk shall always keep an account of his transactions, open to the inspection of all or any of said Board of Supervisors.

Same

SEC. 5. Any person who shall willfully issue, pass, or sell, or transfer, or who shall forge or fraudulently issue any receipt or receipts for said road poll-tax, contrary to the spirit of this Act, shall be guilty of a misdemeanor, and on

conviction thereof shall be fined in a sum not less than ten nor more than one hundred dollars.

SEC. 6. It shall be the duty of the Board of Supervisors of said county, at their regular meeting in August, A. D. eighteen hundred and seventy-six, and on each regular meeting in the month of August of each subsequent year, to advertise for bids for the keeping of the roads of the various road districts in good and efficient repair for the period of one year from the time of the awarding of such contract. Each bid shall be accompanied by two sureties for the faithful performance of the contract, subject to the approval of the said Board of Supervisors. Such bids or proposals shall be advertised by the Board of Supervisors in some paper published in Mariposa County, for the period of thirty days, and such advertisement shall clearly designate the roads for which contracts are to be given. At the next regular meeting of said Board of Supervisors, in November following, the said Board shall proceed to open the bids, and shall award the contract to the lowest responsible bidder; *provided*, that the Board shall have the right to reject any and all bids if, in their judgment, they are too high; in which case, in any road district or districts where no bid has been made, or where any or all bids have been rejected, the Board shall appoint some suitable person to do the requisite work, or supervise its performance, at a salary of three dollars per diem for such time as he is actually engaged in said labor, and the Board may authorize the employment of such assistance as, in their judgment, may be deemed necessary.

SEC. 7. It shall be the duty of the Collector, upon entering into office, to proceed to collect the road poll-tax from any person liable to said tax he may find in Mariposa County, and no person shall be deemed or held to have paid said taxes unless he shall be able to exhibit a receipt therefor, or testify, upon oath or affirmation, that he has paid the same; and for all the purposes of this Act the Collector is hereby authorized to administer oaths and affirmations upon any person who may be liable, refusing, upon demand upon himself or his agent, to pay his road poll-tax. It shall be the duty of the Collector to enforce the collection of the same, by seizing so much of any species of personal property, debts, or choses in action whatsoever, of the delinquent; and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such tax, and cost of seizure and sale; and shall, and may, sell the personal property at any time and place, upon giving verbal notice of one hour previous to such sale; and shall, and may, sell the realty in the manner prescribed for Sheriffs' sales under execution; and any person indebted to another, liable to pay said tax, shall be liable to pay the same for such other person, after service upon him by the Collector of a written notice, stating the name or names of the person or persons liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Collector, after deducting the tax for which property was sold, and

Supervisors
to let
contracts for
repairing
roads

Collection
of road
poll-tax.

Sales of
property
for taxes

such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property by the Collector to any purchaser shall be a sufficient title to the purchaser, or, if required by the purchaser, the Collector shall execute a bill of sale. The Collector shall have a right to demand of any employer in his district a complete list of the names of the men employed by him; and any employer refusing or neglecting to give such list, when demanded of him by said Collector, shall be liable to pay a fine of not less than ten dollars nor more than fifty dollars, to be recovered before the Justice of the Peace, in the name of the Collector, for the use of, and to be paid into the Road Fund of said county. He may also demand of each employer a statement, under oath, touching his indebtedness to the laborers employed by him who are liable to pay road poll-tax, and if it shall appear, upon statement being made, that such employer is indebted to any person liable to pay poll-tax in any amount equal to said tax due by him, the Collector may demand payment of said taxes from such employer; and if such employer refuse or neglect to pay the same, the said Collector, in his own name, may proceed to collect the amount from him by suit, and, if recovered, the Collector shall deliver to the employer the road poll-tax receipts of those whose taxes are thereby paid; and in all suits under this Act the Collector shall be a competent witness.

Road Fund.

SEC. 8. All moneys collected under the provisions of this Act shall be paid into the treasury of the County of Mariposa, the County Treasurer receipting therefor to the Collector, and shall be known as the County Road Fund.

SEC. 9. The Auditor of Mariposa County is authorized to draw warrants for amounts voted by or sanctioned by the Board of Supervisors, and the Treasurer is empowered to pay the same; *provided*, that in such disbursements the Supervisors shall not at any time exceed the deposits from said fund in excess of one thousand dollars.

Assessor to collect poll-tax.

SEC. 10. The Assessor of Mariposa County is hereby authorized and empowered to act as the Road Poll-tax Collector for said county. He shall receive as compensation ten per cent. on the amount collected.

SEC. 11. This Act shall take effect from and after July thirtieth, eighteen hundred and seventy-six. Nothing in this Act shall be so construed as to render vacant any office of Roadmaster or Overseer, until the award shall have been made for the care of said roads as provided for in this Act.

SEC. 12. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are repealed when this Act goes into effect.

CHAP. CCCCLVI.—*An Act to authorize corporations to own and improve the lots and houses in which their business is carried on.*

[Approved April 1, 1876.]

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

SECTION 1. By unanimous consent of its members or stockholders, any corporation existing under the laws of this State may acquire and hold the lot and house in which its business is carried on, and may improve the same to any extent required for the convenient transaction of its business. May hold lot, etc.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLVIII.—*An Act to authorize the City of Oakland to construct a bridge across the estuary of San Antonio, between Eighth Street and East Ninth Street.*

[Approved April 1, 1876.]

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

SECTION 1. The City Council of the City of Oakland is hereby authorized and empowered, in its discretion, to order the construction of a wooden bridge across the estuary of San Antonio, from Eighth Street, on the westerly shore of said estuary, to East Ninth Street, on the easterly shore of said estuary. Said bridge may be constructed in such manner, of such dimensions, and with such materials as the City Council shall, by ordinance, direct; *provided, however*, that the cost, including incidental expenses of constructing said bridge, shall not exceed the sum of thirty thousand dollars. City Council may order bridge constructed.

SEC. 2. The Council shall cause to be prepared plans and specifications of said bridge, and shall advertise for fifteen days, daily, in one newspaper published in Oakland and one published in the City and County of San Francisco, for sealed proposals for constructing said bridge. The work must be awarded to the lowest responsible bidder, the Council having the right to reject any or all bids. The work shall be done and materials furnished under the supervision and direction, and to the satisfaction of the City Engineer. Plans, proposals, etc.

SEC. 3. The contract price of said bridge, the cost of the plans and specifications, the Engineer's fees, the cost of Costs, how assessed.

advertising, the expenses and salaries of the Commissioners hereinafter mentioned, and all other expenses whatsoever incidental to the building of said bridge, shall be held and considered to be the cost of said bridge, and their sums shall be assessed on the lands mentioned and described in the following section of this Act, in proportion to the benefits accruing therefrom to said several lots, subdivisions, and pieces of land respectively, which said lands are hereby declared to be benefited by the construction of said bridge.

Limits of
lands
affected

SEC. 4. The lands referred to in the preceding section as those upon which the cost of building said bridge shall be assessed, as said cost is defined in this Act, are all the lots, pieces, and subdivisions of land (excepting public streets and highways included therein) within the following described limits, that is to say:

First—Beginning at a point in the easterly line of Wood Street one hundred feet northerly from the northerly line of Eighth Street, and running thence easterly and parallel with said northerly line of Eighth Street to the highest tide line on the westerly shore of the estuary of San Antonio near Fallon Street; thence southerly along said highest tide line to a point one hundred feet southerly from the southerly line of Eighth Street measured at a right angle to said street; thence westerly and parallel with the southerly line of Eighth Street to the easterly line of Wood Street; thence northerly along the easterly line of Wood Street to the point of beginning.

Second—Beginning at a point on the easterly line of Third Avenue one hundred and fifty feet southerly from the southerly line of East Ninth Street; running thence easterly and southerly and parallel with East Ninth Street to the highest tide line on the northerly shore of San Antonio Creek; thence northerly and easterly along said highest tide line to a point one hundred and fifty feet from the northerly line of East Tenth Street produced; thence westerly and parallel with the northerly line of East Tenth Street to the highest tide line on the easterly shore of the estuary of San Antonio; thence southerly to the point of beginning.

Commission-
ers, powers
of, etc.

SEC. 5. Within ten days after the contract for said work has been signed, the City Council shall, by ballot, elect three Commissioners, residents and property owners in said city, not interested, directly or indirectly, in the property described in section four of this Act, to assess and apportion the cost of said bridge upon the land heretofore described as benefited by the construction of said bridge. Within two days thereafter, said Commissioners shall qualify and proceed to assess upon the lands heretofore described in section four of this Act, a sum not to exceed thirty thousand dollars, sufficient to pay the whole contract price of said bridge, the salaries and expenses of said Commissioners, including clerk hire, maps, Engineer's fees, advertising, cost of plans and specifications, and all other expenses whatsoever incidental to the building of said bridge; and shall assess said sum upon the several pieces, parcels, and subdivisions of land (hereinbefore described as benefited by said work), in proportion

to the benefit received from such work by said property. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witnesses that they may deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them.

SEC. 6. Within thirty days after their appointment, unless further time be granted by the Council, the Commissioners shall make a report to the Council of the assessments so made by them, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all the expenses whatsoever incidental to the building of said bridge, the amount of each assessment, the name of the owner of each lot or portion of lot (if known to the Commissioners), if unknown, the word "unknown" shall be written opposite the number of the lot, the benefit received by each lot or portion of lot from said work and the amount assessed thereon, the number of each lot or portion of lot assessed, and shall have attached thereto a diagram showing the relative location of each distinct lot or portion of lot to the work done, and numbered to correspond with the numbers in the assessments.

Report of
Commissioners.

SEC. 7. Upon receiving the report and assessment as above provided, the same shall be filed with the City Clerk, and the Council shall forthwith give notice by publication for at least five days, in one newspaper published in the City of Oakland, that said report and assessment are on file in the Clerk's office, the date of filing, and that they are open for public inspection. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in the said report and assessment, feeling aggrieved by any act or determination of the Commissioners in relation thereto, or having or making any objection to the legality of the assessment, or other act, or determination, or proceeding of the Commissioners, shall, within twenty days after the first publication of said notice, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing, briefly referring to the subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published five days, daily, in a newspaper published in the City of Oakland. Upon such appeal or appeals, the said City Council shall have power to approve and confirm said report and assessment, or refer the same back to the said Commissioners, with directions to alter or modify the same in the particulars specified by the Council in the resolution referring the same back, and thereupon the said Commissioners shall proceed to make the alterations and modifications specified in the resolution of said Council. The alterations and modifications aforesaid being made, the report and assessment shall be again submitted to the Council, and if the Council upon examination shall find that the alterations and modifications have been made according to the direc-

Hearing of
report; ap-
peals from.

tions contained in said resolution, the said Council shall, by ordinance, adopt and confirm the same; but if the said Commissioners shall have neglected or failed to make the alterations and modifications set forth in the resolution of reference, the Council may again refer the report and assessment back to said Commissioners, and so on until its original resolution of alteration and modification shall have been complied with by said Commissioners, and then said Council shall, by ordinance, adopt and confirm said report and assessment. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section, as to all errors, informalities, and irregularities which said Council might have remedied and avoided, and said assessment shall not be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself. If no appeal is taken, as provided in this section, the Council shall, within thirty days after receiving said report and assessment, by ordinance adopt and confirm the same.

If no appeal report to be confirmed.

Contractor to receive assessment list, with warrant.

SEC. 8. Upon receiving a certificate from the City Engineer that the contractor has fulfilled his contract, and in all respects completed said bridge to the satisfaction and acceptance of the said Engineer, a warrant shall be attached to said assessment, which said warrant shall be signed by the City Engineer and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form: "By virtue hereof, I, (name of the City Engineer), City Engineer of the City of Oakland, County of Alameda, and State of California, by virtue of the authority vested in me as said City Engineer, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessments and diagram hereto attached, and this shall be (his or their) warrant for the same. Oakland, (date), 187—." (Name of the engineer), City Engineer of the City of Oakland. Countersigned by (name of), Mayor. "City of Oakland, (date)." Said warrant, assessment, and diagram shall thereupon be delivered to the City Marshal and be by him recorded in the same book and in the same manner as other assessments for street work are recorded. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portion of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of the recording of said warrant, assessment, and diagram, all persons shall be deemed to have notice of the contents of the records thereof. After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his agents or assigns, on demand, but not until after the payment to the said Marshal of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant, said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assess-

Assessments to be a lien.

ments made to cover the sum due for the work specified in said contract and assessment.

SEC. 9. The contractor, or his assigns, or some person in his or their behalf, shall call upon the person assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the person so assessed, or their agents, cannot conveniently be found, or whenever the names of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Marshal within sixty days after its date, with a return indorsed thereon, signed by the contractor, or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length, in the same manner and in the same book as other contracts, assessments, and returns for street work are recorded in his office, and shall sign the record. The said Marshal is authorized at any time to receive the amount due upon said assessment list and warrant, issued as herein provided, and give a good and sufficient discharge therefor; *provided*, that no such payment so made, after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien, until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the record in his office on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant were issued; and if said contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed. After the return of the assessment and warrant, as aforesaid, all amounts remaining due thereon shall draw interest at the rate of two per cent. per month until paid.

Contractor to collect assessments.

SEC. 10. At any time after the return of the warrant, assessment, and diagram, as hereinbefore provided, the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter, during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided; the Court may also allow, as part of the costs, reasonable attorneys' fees. Suit may be brought in the District Court of the Third Judicial District. The

Contractor may bring action.

said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. The Court in which suit shall be commenced shall have the power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal the appellate Court shall be vested with the same power to adjudge and to decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. This Act may be liberally construed to effect the end of justice.

Salaries of
Commissioners and
clerks.

SEC. 11. The Commissioners appointed under this Act shall be entitled to receive five dollars each per day for the time actually employed in making the said assessment, and are hereby authorized to employ one or more clerks, not to exceed two, at a salary of not to exceed five dollars each per day.

SEC. 12. It is hereby expressly provided that the City of Oakland shall not, in any event whatsoever, be liable for the payment of any of the costs or expenses authorized by this Act, and a stipulation to this effect shall be inserted in the contract herein provided for. All persons dealing with the city under and by virtue of the provisions of this Act, do so upon that express stipulation.

SEC. 13. This Act shall take effect immediately.

CHAP. CCCCLIX.—*An Act in relation to public roads in the County of Sacramento.*

[Approved April 1, 1876.]

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

Highways
defined.

SECTION 1. All roads in the County of Sacramento laid out and recorded as highways by order of the Board of Supervisors, and all roads laid out by order of Court made in proceedings in partition, shall be public highways.

SEC. 2. Whenever any corporation owning a toll-bridge, or a turnpike, or a common wagon road, in said county, is dissolved, or has expired by limitation or non-user, the bridge or road becomes a public highway.

Road
records.

SEC. 3. The Clerk of the Board of Supervisors must keep a book in which must be recorded all proceedings of the Board relative to each road district, including laying out, altering, and opening roads; and in a separate book, a description of each road district, its Overseers, its roads, highways, contracts, and all other matters pertaining thereto.

SEC. 4. By taking or accepting land for a highway, the

public acquire only the right of way and the incidents necessary to enjoying and maintaining it, subject to the regulations of this Act and of the Civil Code.

SEC. 5. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors and the Road Overseers; and any person using such sidewalks with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby. Sidewalks.

SEC. 6. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in regular rows, at a distance of at least twenty feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the row must not be less than six nor more than twelve feet from the boundary of the highway. Whoever injures any of them is liable to the owner, or to the occupant, for the damage which is thereby sustained. Owners may plant trees.

SEC. 7. The Board of Supervisors of Sacramento County, by proper ordinance, must: Duties of Supervisors, concerning public roads.

First—Divide the county into a suitable and convenient number of road districts, and appoint therefor annually, or whenever vacancies occur, Overseers, upon petition of a majority of the property tax-payers of the road district, with power to remove for cause.

Second—Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Act provided.

Third—Abolish or abandon such as are unnecessary; but such action can only be had by unanimous vote of all the members of the Board.

Fourth—Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under Title VII., Part III., of the Code of Civil Procedure, and to pay therefor from the District Road Fund of the particular district.

Fifth—Let out by contract the improvement of highways and the construction and repair of bridges or other adjuncts to highways, when the amount of work to be done by contract exceeds three hundred dollars.

Sixth—Levy a property road tax.

Seventh—Order and direct Overseers specially in regard to work to be done on particular roads in their districts.

Eighth—Cause to be erected and maintained on the highways, mile-stones or posts, and guide-posts properly inscribed.

Ninth—Cause the road tax collected each year to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate funds.

Tenth—Audit and draw warrants on the funds of the respective road districts, when required to pay for right of way or work or improvements thereon.

Eleventh—Furnish to each Road Overseer a copy of this Act.

District
Number One
excepted.

The City of Sacramento shall constitute Road District Number One, in said county; and eighty per cent. of all the taxes collected under the provisions of this Act in said city must by the Treasurer of said county be paid into the treasury of said city as fast as the same are collected, and the money so paid into said treasury must be applied by the Board of Trustees of said city in repairing, maintaining, graveling, paving, or planking streets and alleys in said city. Subdivisions one, two, three, four, five, seven, eight, ten, and eleven of this section shall not apply to Road District Number One.

Other road
districts.

SEC. 8. Road districts, other than District Number One, must be carefully and distinctly defined, and described and designated by the municipal towns, or townships, or precinct lines; until such subdivision is made, the road districts of Sacramento County must continue as they are at present defined. Road districts, other than District Number One, may be altered, changed, created, or modified by the Board of Supervisors as occasion requires; and, upon petition of a majority of the land owners in any precinct they shall constitute such precinct a road district.

Overseers
to qualify.

SEC. 9. Overseers of road districts receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment, and take the usual oath of office. The notice and certificate that the bond has been filed, and the oath taken indorsed thereon, or a certified copy thereof, constitutes a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer until superseded.

Duties of
Overseers.

SEC. 10. Road Overseers, under the direction and pursuant to orders of the Board of Supervisors appointing them, must:

First—Take charge of the public highways within their respective districts.

Second—Keep them clean from obstructions and in good repair.

Third—Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

Fourth—Give two days' notice to the inhabitants of his road district liable to do work on roads, when, where, with what implements, and under whose direction to work, and superintend the same.

Fifth—Collect from each inhabitant notified to work and who fails to work, or prefers to pay it, the commutation fee.

Sixth—Make semi-annual reports of all labor performed in his district, and how all road poll-tax and commutation moneys were expended, to the Board of Supervisors, under oath.

Seventh—Assist in laying out new roads.

Eighth—Collect all road poll-taxes in the mode provided for the collection of other poll-taxes, and faithfully account for and pay over the same.

Ninth—Pay over to his successor, or into the fund of his road district, in the county treasury, all road moneys in his hands and unexpended.

Tenth—Receive for his services, from moneys coming into his hands belonging to his road district, the sum of two dollars for each day's work performed by him, not to exceed one hundred dollars per annum, to be audited and ordered paid by the Board of Supervisors. Salary.

SEC. 11. From the property road tax the County Treasurer must annually set aside twenty per cent. of the aggregate for general county road purposes, from which the Board of Supervisors may direct such amounts to be paid as may be found necessary for such general road purposes, in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor. The Board shall have no power to create debt on any road district in excess of ten per cent. on the estimated amount of the tax receipts from said district for the next ensuing year. General road tax.

SEC. 12. Every male inhabitant of a road district, except of District Number One, over twenty-one and under fifty years of age, must perform two days' labor annually, to be known as road poll-tax, upon the roads and highways of the district, under the demand and direction of the Road Overseer thereof, or pay to said Overseer a commutation fee of four dollars. Road poll-tax.

SEC. 13. Each Road Overseer must, within twenty days after his qualification, deliver to the Clerk of the Board of Supervisors a list of the inhabitants of his district liable for road poll-tax therein. This list must be laid before the Board of Supervisors at their first meeting held thereafter.

SEC. 14. The Board of Supervisors must, each year, prior to the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property taxes for highway purposes which may be necessary for the ensuing year, over and above the road poll-tax, and must regulate and fix the amount of property highway tax, and levy the same. Property highway tax.

SEC. 15. The Board of Supervisors must provide proper blank road poll-tax receipts, to be signed by the Clerk of the Board, who must deliver to each Road Overseer a number equal to the number of inhabitants of their respective districts liable for road poll-tax, take receipts therefor, and charge the road officer receiving the same therewith. But credit must be given to each Road Overseer for all unsold blank road poll-tax receipts returned to the Clerk of the Board of Supervisors. Poll-tax receipts.

SEC. 16. Road Overseers must make out lists of the inhabitants of the road districts liable for road poll-tax, and require of each the performance of the labor or the payment of the commutation, and apply such labor and commutation money in the opening, maintaining, and repair of the highways and adjuncts in their respective road districts.

SEC. 17. The Road Overseers must, from time to time, add to the list the names of persons liable for road poll-tax who were omitted, or who have become inhabitants of his district since the original list was made, and enforce the

road poll-tax, or collect the commutation fee therefor, and apply the same as hereinbefore provided.

Levy and
collection of
property
tax.

SEC. 18. The annual property tax for road purposes must be levied by the Board of Supervisors at the session when the tax is by them levied for county purposes, and must not exceed fourteen cents on each one hundred dollars in value taxable property, and when levied, the taxes must be annually assessed and collected by the same officers, and in the same manner, as other State and county taxes are levied, assessed, and collected.

Work on
roads

SEC. 19. Each person residing in any road district other than Road District Number One, who shall desire to pay eighty per cent. of his property road tax in labor on the roads, for any year, must, within the months of January or February preceding such year, give notice in writing to the Road Overseer of such desire. The Road Overseer must, on or before the first day of March in each year, file said notice with the County Assessor, who shall note that fact against the name of the person on the assessment book. And the Tax Collector, at any time before the tax becomes delinquent, may receive from such person, in payment of eighty per cent. of such tax, the certificate of the Road Overseer that work to the amount thereof has been performed on the road by such person, and in the settlement of the Tax Collector said certificate shall be counted as so much money, and shall by the Treasurer be presented to the Board of Supervisors, who shall thereupon draw a warrant in favor of said Treasurer, for the amount thereof, against the Road Fund for that district.

SEC. 20. Road Overseers must not require an individual to work out of the district in which he resides.

Employer's
liable.

SEC. 21. Corporations or other employers of residents in any highway district are responsible for the road poll-tax assessed against their employes, and a notice to the employer or managing agent, requiring the payment of the road poll-tax of the employe, charges such employer or corporation with such road poll-tax.

Day's work.

SEC. 22. Each person appearing must actually work ten hours each day, to be credited to him by the Overseer. For every hour unnecessarily lost or idled away he must be charged two hours, to be worked out upon some other day, under notice from the Overseer. Any person may work by an able-bodied substitute.

SEC. 23. Every person receiving due notice, who does not appear and labor or commute, is delinquent.

Overseer's
report.

SEC. 24. Every Overseer must make to the Board of Supervisors, semi-annually, a written account, under oath, containing:

First—The names of all persons as assessed to work in his district.

Second—The names of all who have actually worked, and the number of days.

Third—The names of all who have commuted, and the amount received from them.

Fourth—The names of all delinquents and the amount collected from them.

Fifth—A full return, by items, of the amount of labor and money expended at each separate point, and the manner in which and the time when the same was done.

Sixth—The number of road poll-tax receipts sold, and those returned unsold.

Seventh—An accurate account of every day he himself was employed, and the nature and items of the service rendered.

SEC. 25. Road Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of the report.

SEC. 26. A failure to make a report as required, or to pay over, on the order of the Board of Supervisors, any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors. Penalty for failure

SEC. 27. Any ten inhabitants of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein. Petitions for alterations, etc.

SEC. 28. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof; over what lands and who the owners thereof are; whether the owners consent thereto, and if not, the probable cost of the right of way; the necessity for and the advantages of the proposed change.

SEC. 29. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted and the road finally opened.

SEC. 30. Upon filing such petition and bond, the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old, or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof. Viewers to estimate cost.

SEC. 31. The Road Viewers must be disinterested citizens of the county, but not petitioners. They must be sworn to discharge their duties faithfully, and must view and lay out the proposed alteration or new road over the most practicable route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be had. To be disinterested

Report of
Viewers

SEC. 32. When the view or survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors:

First—The course, terminus, length, and cost of construction of the proposed road.

Second—The estimate of damage to the owner of any land over which it is proposed to run the road.

Third—The names of land owners who consent to give the right of way and their written consent thereto.

Fourth—The names of land owners who do not consent, and the amount of damage claimed by each.

Fifth—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

Property
exempt from
condemna-
tion.

SEC. 33. No report of Viewers must, by the Board of Supervisors, be approved, which, without the consent of the owner and occupant, would have the effect to open the road:

First—Through an orchard of four years' growth.

Second—Through a garden or yard four years cultivated.

Third—Through buildings, or fixtures, or erections for the purposes of residence, trade, or manufacture.

Fourth—Through inclosures necessary for the use or enjoyment of the buildings, fixtures, or erections; or,

Fifth—Through inclosed or improved lands.

Unless the Board of Supervisors are satisfied, from personal examination and observation, or from the sworn statement of at least five residents of the road district, that the opening of such road through such premises is a necessity, a great public benefit, or a great convenience to a majority of the inhabitants of the district.

Salary of
Viewers.

SEC. 34. The Viewers must be paid three dollars each per day for their services, out of the Road Fund of the district through which the road passes, and the Surveyor his legal fees for services in running out and mapping the road, and making the plat and field notes, which must be filed, when required, before he receives his compensation.

Hearing of
report.

SEC. 35. The Board of Supervisors, on the coming in of the report, must fix a day for hearing the same; must notify the owners of land not consenting to give the right of way, of the hearing, by having written notice served on them personally, or on the occupant, or agent of the owner, or if neither, by posting notice on the most conspicuous place on the land, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed for the hearing, and must, on the day fixed, or to which it may be postponed or adjourned, hear evidence and proof from all parties interested, for and against the proposed alteration or new road; ascertain and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

SEC. 36. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, and cause the Overseer to tender to

such non-consenting land owners the award for damages made by the Board; if the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

SEC. 37. If any award of damages is rejected, the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in Title Seven, Part Three of the Code of Civil Procedure, against all non-accepting land owners, and when thereunder the right of way is procured, the road must be declared a public highway, and opened as hereinbefore provided; but if any non-consenting land owner does not recover a greater amount of damages than shall have been allowed him by the Board of Supervisors, then he shall pay all costs and expenses incurred by reason of the suit or other proceedings instituted in the matter.

Suit for right of way.

SEC. 38. All awards by agreement, ascertainment by the Board, or by the proper Court, must be paid out of the Road Fund of the district, on the order of the Board of Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between them.

Awards, etc.

SEC. 39. All highways must be at least sixty feet wide, except those now existing of a different width.

Width of highways.

SEC. 40. Private or by-roads may be opened, not less than twenty nor more than sixty feet in width, for the convenience of one or more residents of any road district, in the same manner as public roads are opened, whenever the Board of Supervisors may, for like cause, order the same to be viewed and opened, the person for whose benefit the same is required paying the damages awarded to land owners, and keeping the same in repair.

Private roads.

SEC. 41. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed and recorded in the office of the Recorder of the county in which the land so conveyed or condemned must be particularly described.

Description of land condemned.

SEC. 42. Whenever highways are laid out to cross railroads, canals, or ditches on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches, that the public highway may cross the same without danger or delay; and when the right of way for a public highway is obtained, through the judgment of any Court, over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same.

Crossing railroads, etc.

SEC. 43. When the alteration of an old, or the opening of a new road, makes it necessary to remove fences on lands given, purchased, or condemned by order of a Court, for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner, his occupant or agent,

Removal of fences.

by posting the same on the fence, and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

Public
bridges

SEC. 44. Bridges crossing the line between road districts must be constructed at the expense of the Road Fund of the districts into which such bridges reach. All other public bridges must be maintained by the road district in which they are situated, unless the Board of Supervisors, before any expense is incurred, direct the payment of the same, or some part thereof, out of the General Road Fund.

Proposals for
building

SEC. 45. No bridge, the cost of the construction or repair of which will exceed the sum of three hundred dollars, must be constructed or repaired, except on order of the Board of Supervisors. When ordered to be constructed or repaired, the contract therefor must be let out to the lowest bidder, after reasonable notice given by the Board of Supervisors through the Road Overseer, by publication for at least two weeks in a county newspaper; and if none, then by three posted notices, one at the Court-house, and at the point to be bridged, and at some other neighboring place; the bids to be sealed, opened, and the contract awarded at the time specified in the notice. The contract and bond to perform it must be entered into to the approval of the Board of Supervisors.

Repair to
bridges.

SEC. 46. If the Road Overseer of one district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each are interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor by the Board of Supervisors, out of the Road Fund of the defaulting district.

SEC. 47. If the Overseer of any road district, chargeable with the repair of a bridge, fails to make the needed repairs after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situated, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the district chargeable therewith.

Petition for
bridge.

SEC. 48. When a bridge, the cost of which will exceed three hundred dollars, is necessary, any five or more freeholders of the road district interested therein, may petition the Board of Supervisors for the erection of such needed bridge; the Board must thereupon advertise such application, giving the location and other facts, for two weeks, in a newspaper printed in the county; if none, then by posters, one at the proposed location, one at the Court-house, and one at some other public place in the county, and notify the Overseer to attend, at a certain time and place, to hear the application.

SEC. 49. On the day fixed to hear the application, proof of the notice given being made satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for. If found to be so, the Board must determine the character of the bridge to be constructed, prepare plans and specifications, and invite bids, let the contract, and have the same erected, and provide for the payment thereof, as herein provided. Letting of contract.

SEC. 50. Road Overseers must, in their official reports, give a full account of all bridges of which they have in whole or in part the charge and maintenance, those constructed or repaired, and the cost thereof, the amount expended thereon, from what source derived, and the present and prospective condition thereof.

SEC. 51. The county is responsible for providing and keeping passable and in good repair, bridges and all public highways; and the Supervisors must appoint semi-annually a special meeting, at which the Road Overseers, on days set apart for their respective districts, to hear highway and bridge reports, and complaints from officers and citizens, when such orders must be made and such action had regarding the same as the public welfare demands. Hearing of reports.

SEC. 52. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway. Encroachments.

SEC. 53. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he reside in the county; if not, it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days. Same.

SEC. 54. If the encroachment is not removed, or commenced to be removed and diligently prosecuted, prior to the expiration of the ten days from the service or posting the notice, the one who caused, or owns, or controls the encroachment, forfeits ten dollars for each day the same continues unmoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same. Same.

SEC. 55. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the Road Overseer must commence in the proper Court an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs in such action. Same.

SEC. 56. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also, for each day the same remained Same.

after notice was complete, the sum of ten dollars, in an action for that purpose.

Gates on
highways.

SEC. 57. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow, and to such extent as to remove the fences. When so allowed, they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid the gate must be removed as an obstruction.

SEC. 58. Any one who leaves open such gate, or willfully or unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages.

Penalty for
obstructing.

SEC. 59. Whoever obstructs or injures any highway, or obstructs or diverts any water-course thereon, is liable to a penalty of five dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code.

Injury to
mile-boards.

SEC. 60. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred ninety of the Penal Code.

Obstruc-
tions.

SEC. 61. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter, till it is removed, and the cost of removal.

SEC. 62. Whoever cuts down a tree so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of five dollars for every day the same remains in such highway.

Fine for fast
driving.

SEC. 63. Road Overseers may put up on bridges under their charge, notices that there is "five dollars fine for driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay five dollars for each offense.

Injury to
trees.

SEC. 64. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree, unless the same may be deemed an obstruction by the Road Overseer, and removed under his direction, planted or standing on any highway, forfeits twenty-five dollars for each tree, to be recovered by an action in the name of the Road Overseer as plaintiff, in any Justice's Court in the county.

SEC. 65. The Act concerning roads and highways in Sacramento County, approved April second, eighteen hundred and seventy (except section twenty-five, which is continued in force), is hereby repealed.

SEC. 66. This Act shall be in force and effect from and after its passage, but nothing in this Act shall be construed to affect the laws in relation to the government of the City of Sacramento.

CHAP. CCCCLX.—*An Act to incorporate the Town of Colusa.*

[Approved April 1, 1876.]

The People of the State of California, represent[ed] in Senate and Assembly, do enact as follows:

SECTION 1. The territory described in section two of this Act, and the inhabitants therein residing, are hereby declared to be a municipal corporation, under the name and style of "The Town of Colusa," and by that name and style they and their successors shall be known in law; shall have perpetual succession; may sue and be sued; may have and use a common seal; may grant, sell, purchase, receive, and hold property, real and personal, within said town, and may control, manage, regulate, lease, or otherwise dispose of the same for the benefit of the town.

Corporate name.

SEC. 2. The boundaries of said Town of Colusa shall be as follows: Commencing at the northeast corner of lot number one, of block number one, of said town, as laid down on the official map thereof, now on file in the County Recorder's office of Colusa County, which corner is about one hundred feet from the west bank of the Sacramento River, and on the west line of that certain tract of land commonly known as the "Belden Tract;" thence south, seventeen degrees west, four thousand and twenty feet, to a stake corner of said town and lands owned by W. C. Swinford, Jerry Powell, and G. W. Ware; thence north, seventy-three degrees west, five thousand one hundred and twenty feet, to a stake; thence north, seventeen degrees east, four thousand one hundred and twenty feet, to a stake; thence south, seventy-three degrees east, two thousand eight hundred and eighty feet, to a stake; thence north, seventeen degrees east, to the middle of the channel of said Sacramento River; thence down and along the middle of said channel to a point from which a course south, seventeen degrees west, would touch the place of beginning, and thence in a right line to the place of beginning.

Boundaries of town.

SEC. 3. The Government of said town shall be vested in a Board of Trustees, to consist of five members, a Town Recorder, a Town Marshal, a Town Treasurer, and a Town Secretary. The Trustees, Marshal, Treasurer, and Secretary shall be elected by the qualified electors of said town, at an election to be holden on the first Monday of May, in the year one thousand eight hundred and seventy-six, and the same officers and a Town Recorder on the first Monday in May every two years thereafter. They shall enter upon the discharge of their official duties on the first Monday of June next succeeding their election, and shall hold office for two years, and until their successors are duly elected and qualified.

Government, how vested.

SEC. 4. It shall be the duty of the Board of Trustees to call all elections under this Act, to designate the time and place of holding the same, giving at least two days' notice thereof; to appoint one Inspector and two Judges of Election, who, with two Clerks to be appointed by them, shall

Town elections.

hold the election, having first taken the oath prescribed by law for Inspectors, Judges, and Clerks of Election; and all elections held under this Act shall be held and conducted, so far as practicable, in accordance with the general election laws of this State. In case any of the officers appointed to hold the election fail to attend, or refuse to act, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present. So if the Board of Trustees of the town fail to call an election at the time and in the manner as herein required, the electors of the town may, notwithstanding, meet together on the morning of the election day, as herein designated, at the Court-house, in said town, appoint the proper election officers themselves, and hold the election; and the election so holden shall be as valid in law as if the same had been duly called as herein required. No person shall be entitled to vote at any election held under this Act, unless he shall be a qualified elector for State and county officers, and shall have resided within the corporate limits of the town thirty days next preceding such election; and no person shall be eligible to any office under this Act unless he shall possess the qualifications of a voter thereunder. The returns of the election, when held, shall be made out and certified by the election officers in the usual manner, and shall be deposited by them with the Town Secretary within five days thereafter.

Election returns.

SEC. 5. The Board of Trustees shall meet within ten days after any election held under the Act, and canvass the returns, and declare the result. The persons having the highest number of legal votes cast for the several respective officers shall be declared duly elected thereto. When two or more persons have an equal and the highest number of votes for any particular office, the Board of Trustees shall decide the election by a plurality vote of their own body.

Qualification of officers.

SEC. 6. Before entering upon the discharge of their official duties, the several officers elected shall each take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of California, and to discharge the duties of his office to the best of his ability. Such oath may be taken before any person authorized to administer oaths, and, when taken, shall be filed with the Town Secretary. The Town Recorder, Marshal, Treasurer, and Secretary shall also, before entering upon the discharge of their official duties, each give a bond to the Town of Colusa in the amount and conditioned as hereinafter prescribed. Should any officer elected fail to qualify, by taking the oath and giving the bond required, for the period of ten days after receiving from the Secretary of the Board of Trustees the certificate of his election, the office shall be deemed vacant, and the same shall be filled as hereinafter provided.

Varancies.

Trustees to organize; meetings of.

SEC. 7. The Board of Trustees, at their first regular meeting after their election, shall elect, by ballot, a President and a Vice President from their own body. The President shall preside at all meetings of the Board, unless when absent

from sickness or other cause, and then the Vice President shall preside; and the Vice President shall act as President whenever the President is absent or unable to act. The regular meetings of the Board of Trustees shall be held on the first Monday of every month. Special meetings of the Board may be called by the President at any time, when deemed necessary by him, by written notice to each member of the Board, served personally or left at his place of residence or business. The place of the meetings of the Board of Trustees shall be fixed by ordinance.

SEC. 8. A majority of the Board of Trustees shall constitute a quorum for the transaction of business; but a smaller number may compel the attendance of absent members. No tax or assessment of any kind shall be levied except by a vote of a majority of all the members elected. In the proceedings of the Board of Trustees, each member present shall have a vote, except the President, who shall have only a casting vote when the votes of the other members are tied. The sittings of the Board of Trustees shall at all times be open to the public; a journal of their proceedings shall be kept by the Town Secretary, under their direction, and the ayes and noes on any question shall be taken and entered on the journal at the request of any member.

Trustees to
organize;
meetings of.

SEC. 9. The Board of Trustees shall be the judge of the qualifications, election, and returns of their own members and of the other officers elected under this Act. They may determine contested elections; they may provide rules for their own proceedings, and may punish any member or other person for disorderly conduct in their presence, as for contempt.

SEC. 10. The Board shall manage the finances and property of the town, and shall have power:

General
powers of
Trustees.

First—To make by-laws and pass ordinances for the government of the town, not repugnant or inconsistent with the Constitution and laws of this State.

Second—To regulate and keep in good condition the streets and wharves of the town, and to construct levees within or without the corporate limits of the town, to protect the town from overflow, and to keep such levees in repair.

Third—To provide for lighting, watering, and cleaning the town, and protecting it against fire.

Fourth—To regulate the keeping and use of animals, and to prevent their running at large within the corporate limits of the town.

Fifth—To regulate the keeping and use of gunpowder and other dangerous substances in the town; to regulate the location of slaughter-houses and markets, and to prevent and remove or abate nuisances of every kind.

Sixth—To suppress and prohibit gambling and disorderly houses and houses of ill-fame, and all indecent and immoral amusements and exhibitions, and to provide for the protection of the health, cleanliness, ornament, peace, and good order of the town.

Seventh—To organize, equip, and maintain a fire department and establish fire limits; to construct wells, cisterns,

General
powers of
Trustees.

or other water-works; to open, improve, and repair streets, and to construct sidewalks; to provide a town prison; to provide for the custody, care, and regulation of prisoners; to establish a chain-gang, and to provide for the employment of vagrants and prisoners upon the public works of the town.

Eighth—To construct and keep in good condition wharves, and fix the rates of wharfage and collect the same.

Ninth—To grant the right of way to railroad companies within the corporate limits of the town, under such conditions and restrictions as may be necessary for the protection and safety of the inhabitants of the town, and to grant, upon such terms and conditions as may be deemed advisable, the use of the public square bounded by Parkhill, Webster, Ninth, and Tenth Streets for depot purposes, to any railroad company that may desire it.

Tenth—To require any land, lot, or building in the town to be cleansed at the expense of the owner or occupant, and upon his default the Board may cause the work to be done and assess the expense upon the land, lot, or building.

Eleventh—To require the owners or occupants of lots to construct and keep in repair sidewalks and gutters in front of their respective lots, and upon the default of any such owner or occupant, the Board may cause the work to be done and assess the expense upon the particular lot.

Twelfth—To restrain, prevent, and punish all riotous and disorderly conduct, breaches of the peace, vagrancy, and all offenses against good order, public morals, and common decency, in any street or place in the town.

Thirteenth—To purchase or lease such real and personal property as may be required for the use of the town, and to sell, lease, or otherwise dispose of the same when no longer required.

Fourteenth—To provide for the establishment and keeping of a town pound, for the impounding of animals prohibited from, but found running at large within the limits of the town, and to fix the charges of keeping, and to provide for the sale of such animals to pay such charges and the fines imposed.

Fifteenth—To regulate and license show-men, shows, theaters, theatrical performances, circuses, and every other kind of public exhibition or performance, and to license every and all kinds of occupations and business not prohibited by law and carried on or conducted in the town, and to fix the amount of the license to be paid in all cases, not, however, in any case to exceed the amount fixed by law for State and county purposes; to levy and collect annually a poll-tax, not exceeding in amount three dollars on each male inhabitant of the town over the age of twenty-one years, and a property tax upon all the real and personal property in the town, not exceeding two per centum upon the assessed value of the said property.

Sixteenth—To make special assessments of taxes for grading, graveling, or otherwise improving any street or sidewalk in the town, amounting to the whole cost of such improvements upon the real property situated upon either side

Grading and
improvements.

of any street of any block, according to the benefit to accrue thereby to such property, to be computed by three disinterested men, chosen by the Board of Trustees for that purpose, and who, before entering upon the discharge of their duties in the premises, shall be sworn to make such computation fairly and impartially, and shall make their report to the Board of Trustees, in writing, under their hands, the concurrent report of any two of whom to be received as final in the premises; *provided*, that before such assessment is made, the owners of two-thirds of the real estate, on both sides of the particular street, shall petition the Board of Trustees for such improvement.

Seventeenth—To impose and appropriate fines, forfeitures, and penalties for any and all breaches and violations of ordinances. For the violation of an ordinance, the Board of Trustees may impose, as a penalty, a fine or imprisonment, or a fine and imprisonment both. But no fine for the violation of an ordinance shall exceed three hundred dollars, nor shall the term of imprisonment for the violation of an ordinance exceed three months. When a fine is imposed, however, the judgment of the Court may direct that the offender, in default of payment of the fine, be imprisoned for a specified period. So, when a judgment of imprisonment is rendered, the person convicted may be sentenced to labor in the chain-gang, or otherwise on the streets or property of the town. Fines and forfeitures.

Eighteenth—To grant to any gas or water company the privilege of laying down pipes in the streets, alleys, or grounds of the town, for supplying gas and water for the town and the inhabitants thereof, for a term not exceeding twenty years, and to contract with such gas or water company for the requisite amount of gas and water for the use of the town; *provided*, that the Board of Trustees shall reserve the right to abrogate such contract whenever gas or water shall be offered to be supplied by another company or person at two-thirds of such fixed contract price. Gas and water rights.

Nineteenth—To audit, allow, and order to be paid all just claims against the town; to make appropriations for any and all objects of town expenditures; to establish and regulate a town police; to provide for the erection of public buildings for the use of the town; and generally to pass all such ordinances, resolutions, and by-laws, and to adopt all such regulations as may be required for the well-being and good order of the town, and such as are not inconsistent with the provisions of this Act, or with the Constitution and laws of this State or of the United States. Claims, etc.

SEC. 11. The Board of Trustees shall, by ordinance, fix the time and manner of levying and collecting the taxes herein provided for. The taxes, when levied, shall constitute a lien upon the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or extinguished until the taxes are paid, or the property has absolutely vested in a purchaser under a sale for such taxes. The Board shall also, by ordinance, fix the time and manner of Levy and collection of taxes

Redemption selling property for unpaid taxes. All real property sold for unpaid taxes shall be subject to redemption, within the time, in the manner, and upon the same conditions as property sold for unpaid State and county taxes.

SEC. 12. The Board of Trustees shall, annually, after the levy of the property tax above provided for, and at a time to be fixed by ordinance, sit as a Board of Equalization, and shall be governed in their proceedings, as far as practicable, by the laws of this State regulating the proceedings of the County Board of Supervisors when acting as a Board of Equalization.

Limit of indebtedness

SEC. 13. The Board of Trustees shall have no power to create any indebtedness against the town exceeding in amount three thousand dollars upon the credit of the town, or to make any expenditures for improvements, except as authorized by this Act.

Payment of demands.

SEC. 14. All claims and demands that shall lawfully arise against the town shall be presented to and passed upon by the Board of Trustees, and if found to be correct shall be allowed and an order made that the same be paid, upon which the President of the Board shall draw his warrant, to be countersigned by the Secretary, upon the Treasurer, in favor of the person or persons owning such allowed claim or claims, specifying therein the nature of the service performed, or for what the indebtedness accrued, and upon presentation of the warrant the Treasurer shall pay the amount thereof out of the town treasury, at the same time canceling and filing the warrant or warrants so paid.

Powers and duties of President of Trustees

SEC. 15. It shall be the duty of the President of the Board of Trustees to be vigilant and active in causing the laws and ordinances of the town to be duly executed and enforced; to exercise a constant supervision and control over the conduct of all subordinate officers, to inquire into any complaints that may be preferred against any subordinate or town officer for a violation or neglect of official duty, and to call the attention of the Board of Trustees thereto; to sign all licenses and all warrants on the treasury, to administer oaths or affirmations when necessary, in transacting business pertaining to the town government; to enforce due order and decorum at all meetings of the Board of Trustees; and he may punish by fine or imprisonment any person or persons guilty of rude, insulting, or disorderly speech or conduct in the presence of the Board, when in session; the fine, in such case, not to exceed twenty-five dollars, and the imprisonment not to exceed twenty-four hours for any single offense, such fine, when imposed, may be collected as other fines are collected for the violation of a town ordinance; to communicate to the Board of Trustees semi-annually, and oftener, if he thinks proper, a general statement of the situation and condition of the town in relation to its government, finances, improvements, etc., with such recommendations in reference thereto as he may [deem] expedient, and generally to perform all such other duties as may be prescribed for him by ordinance.

SEC. 16. The Town Recorder shall be the judge of the Recorder's Court. He shall have jurisdiction of all violations of the ordinances of the town, and may hold to bail, fine, or commit to prison, or to labor on the chain-gang, as the case may be, any person or persons found guilty of violating any of said ordinances. He shall have jurisdiction of all actions and proceedings for the recovery of any fine, penalty, or forfeiture imposed by ordinance. He shall have final jurisdiction of the following public offenses committed within the corporate limits of the town, viz: Petit larceny, assault, assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to commit felony; breaches of the peace, riots, affrays, 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 of proceedings against vagrants and lewd or disorderly persons. In prosecutions for public offenses or misdemeanors only shall the accused be entitled to a trial by jury. The Recorder may issue all writs and processes and administer all oaths necessary to the exercise of the jurisdiction herein conferred. In regard to public offenses committed within the town limits he shall have and exercise all the powers and jurisdiction conferred on Justices of the Peace and Police Courts by Chapters IV. and VII. of Title III., and Chapter I. of Title XI. of Part II. of the Penal Code of this State. Appeals to the County Court of Colusa County may be taken from judgments rendered by the Recorder in all cases, in the manner provided by Chapter II. of Title XI. of Part II. of said Penal Code. The provisions of the several chapters of the Penal Code above referred to are hereby made applicable to proceedings before said Recorder and in his Court, as far as practicable. The place of holding the Recorder's Court shall be designated by ordinance. The Recorder may, upon a conviction, tax the costs of the prosecution against the person convicted. So, when a prosecution is clearly unfounded and malicious, he may, upon discharging the accused, or upon dismissing the case, render judgment against the prosecuting witness, or the person or persons instigating the prosecution, or aiding or assisting the same, for the costs of the prosecution. The Recorder may sentence persons convicted before him to imprisonment in the town prison or station-house; or, when he considers such place of imprisonment inadequate or insecure, he may sentence and commit persons so convicted to imprisonment to the County Jail of Colusa County. In such case the Sheriff of said county shall receive the person or persons so sentenced, and keep them in his custody until they are discharged by law, or until the term of their imprisonment expires. In such case, however, the Town of Colusa shall pay to said county all the expense of keeping the person or persons so sentenced and committed to the said County Jail. All moneys collected or received by the Recorder for fines, penalties, or forfeitures, as well for public offenses as for

Crimes and
punish-
ments; ju-
risdiction of
Recorder.

violations of town ordinances, shall be paid over by him to the Town Treasurer at the end of each week, taking the latter's receipt therefor, and the Recorder shall be responsible for all such moneys on his official bond. The compensation of the Recorder shall be fixed by the Board of Trustees, and in no case shall he receive any compensation for his services from the State or county.

Compensation of Recorder.

Duties of Marshal

SEC. 17. The Town Marshal shall be ex officio Town Assessor and Tax Collector, and shall assess and collect all such taxes and licenses as may be levied by the Board of Trustees, and at the time and in the manner as directed by said Board, and shall pay all the taxes and licenses collected by him (less such commissions as may be allowed him by the Board) over to the Town Treasurer, taking the latter's receipt therefor. He shall collect and pay over to the Treasurer all fines, penalties, forfeitures, and costs imposed by the Recorder for the commission of public offenses and for violations of town ordinances, and to enable him to collect such fines, penalties, and costs, he shall have and exercise, within the corporate limits of the town, all the rights, powers, and privileges conferred by law upon Constables. He shall execute and return all process, civil and criminal, issued by the Recorder, and must attend upon the Recorder's Court regularly. He may appoint one or more deputies. He shall arrest all persons against whom a warrant, directed to him, shall be issued by the Recorder, and may arrest, without a warrant, any person committing an offense or violating an ordinance of the town, in his presence, and take him before the Recorder for trial. He shall perform such other duties as may be required of him by the Board of Trustees. The rate of fees to be charged and collected by the Marshal, for all services of every kind to be performed by him, shall be regulated and fixed by the Board of Trustees.

Fees

Duties of Treasurer.

SEC. 18. It shall be the duty of the Town Treasurer to receive and receipt for all moneys belonging or owing to the town; to pay all warrants drawn upon him by order of the Board of Trustees, signed by the President and countersigned by the Secretary, and to keep an accurate account of all receipts and expenditures, and to present to the Board of Trustees a full and correct report of the financial condition of the town, as often as once a year, at least, at a time to be fixed by the Board, and at such other times as the Board may require. The Board may, if they see proper to do so, have the annual report of the Treasurer published in a newspaper printed and published in the town.

Duties of Secretary

SEC. 19. The Town Secretary shall keep the seal (if it have one) of the municipal corporation, and all the papers and documents belonging thereto (except the books and vouchers of the Treasurer and Marshal), and file them in his office under appropriate heads. He shall be Secretary of the Board of Trustees; he shall attend all meetings of the Board; keep the journals of their proceedings and record all their by-laws, rules, and ordinances; keep the accounts of the town; countersign all warrants on the Treasurer;

keep a true account, in a suitable book, of all such warrants and of the financial condition of the town; number and index all the ordinances that may be passed, in the order of their passage, and perform such other duties as the Board of Trustees may require of him.

SEC. 20. The Board of Trustees shall fix the amount of the official bonds to be given by the Recorder, Marshal, Treasurer, and Secretary before entering upon the discharge of their official duties, respectively. Every official bond shall be given to the "Town of Colusa;" shall be executed by the principal and at least two sureties, and shall be conditioned for the faithful discharge of the principal's official duties. The qualifications of the sureties in each official bond shall be the same as are required by law in the case of State and county official bonds. The official bonds of each of said town officers must be approved by the Board of Trustees before such officer enters upon the discharge of his official duties.

SEC. 21. The Board of Trustees shall regulate and fix a tariff of fees for the town officers to charge and collect for services rendered by them, respectively, designating the fees and charges to be allowed for each particular item of service, and cause the same to be published in like manner with the ordinances passed by them.

SEC. 22. The Board of Trustees shall also regulate and fix, by ordinance, the compensation to be paid to the Town Recorder, Marshal, Treasurer, and Secretary. They may provide for the payment of a specific salary, annually, to the said officers, or to any one or more of them, at the same time fixing the amount of the salary to be allowed to each; or they may provide for the payment of fees to said officers, or to one or more of them, in lieu of a salary, at the same time fixing the amount and rate of fees, charges, and percentage to be charged or retained by the officer in the particular case; or they may provide for compensating said officers, or for compensating any one or more of said officers, by the payment of a salary in part, and by fees and charges in part, at the same time fixing the amount to be paid as a salary, and the rate and amount of the fees and percentage to be collected and retained in each particular case; *provided*, that the Town Recorder shall not receive as compensation for his services more than six hundred dollars annually, nor the Town Marshal more than fifteen hundred dollars annually, nor the Town Treasurer more than one hundred dollars annually, nor the Town Secretary more than three hundred dollars annually.

SEC. 23. The Board of Trustees shall have power to examine into the official conduct of any and all the town officers, and if, upon an examination, any officer should be guilty of misfeasance or malfeasance in office, the Board may remove such officer from office and fill the vacancy thereby occasioned. So the Board may fill any vacancy in their own body, or in any other town office, occasioned by death, resignation, or other cause, by appointment, and the person ap-

pointed to fill such vacancy shall hold office until a successor shall be elected at the next regular election.

Town
Attorney.

SEC. 24. The Board of Trustees may, if they deem it necessary to do so, appoint an attorney-at-law to act as Town Attorney, allowing him such compensation for his services as they may consider such services to be reasonably worth.

Officers to be
disintet-
ested

SEC. 25. No member of the Board of Trustees, or other town officer, shall be directly or indirectly interested in any purchase or sale made for the benefit of the town, or in any contract made for the improvement of the town, or the streets, sidewalks, wharves, or levees thereof. For a violation of this section the member of the Board or officer shall be expelled from the Board or removed from office.

Ordinances.

SEC. 26. Every ordinance passed by the Board of Trustees must be signed by the President and Secretary thereof, and must immediately be published in a newspaper printed and published in said town.

Trustees, no
salary

SEC. 27. No member of the Board of Trustees shall receive any compensation whatever for his services as such member.

Exemption
from town
Act

SEC. 28. The Town of Colusa, and the inhabitants thereof, shall be exempt from the provisions of an Act of the Legislature of this State entitled "An Act to provide for establishing, maintaining, and protecting public and private roads in the County of Colusa," approved March twenty-sixth, A. D. eighteen hundred and seventy-four, except so much thereof as authorized the Board of Supervisors of said county to levy a tax on the taxable property of said county for road purposes.

Terms of
present off-
cers, etc

SEC. 29. The present Board of Trustees, and other officers of said Town of Colusa, shall continue under this Act to hold office until the first Monday in June next, and until their successors are duly elected and qualified; and they shall respectively have and exercise all the powers and discharge all the duties conferred upon and required of such Board of Trustees and officers by the provisions of this Act, and nothing in this Act shall repeal or in any manner impair any by-law or ordinance of said town now in force, or to affect or in any manner impair any debt, liability, obligation, or contract to which said town is a party, or in which said town is interested or concerned, or any tax, assessment, license, or levy due or owing said town. All proceedings had or commenced under the Act entitled "An Act to incorporate the Town of Colusa, approved April fourth, A. D. eighteen hundred and seventy," and the several Acts amendatory thereof to which said town is a party, or in which said town is interested, are hereby ratified, confirmed, and continued in force; and all ordinances, by-laws, rules, and regulations now in force in said Town of Colusa, shall remain and continue in force until the same are repealed, superseded, changed, or amended by the Board of Trustees of said town.

Justices, ju-
isdiction of

SEC. 30. Until a Town Recorder shall be elected and qualified under this Act, as hereinbefore provided, the several Justices of the Peace residing in the Town of Colusa, in addition to the powers and jurisdiction conferred on them

by the laws of this State, shall have jurisdiction of all actions and proceedings for the recovery of any fine, penalty, or forfeiture imposed or declared by any ordinance of said town for a violation thereof; and may hold to bail, fine, or commit to prison, or to labor in the chain-gang, any person found guilty of a violation of any such ordinance. They shall also have jurisdiction of actions and proceedings against vagrants and disorderly persons. All moneys collected or received by any Justice of the Peace for fines, penalties, or forfeitures, as well for public offenses or misdemeanors committed in said town as for violations of town ordinances, shall be paid by such Justice of the Peace over to the Town Treasurer at the end of each week, taking the latter's receipt therefor. For the trial of all such cases the Justice of the Peace shall be paid by the town the same compensation that is allowed by the county. Each of said Justices of the Peace shall, at the end of every month, furnish the Town Secretary with a statement, in writing, showing the number and character of town cases tried or disposed of by him, including all cases of violations of town ordinances, and all public offenses or misdemeanors committed within the town limits, and all moneys collected or received by him for the benefit of the town, and paid over to the Town Treasurer. The said Justices of the Peace may each issue all such warrants of arrest and other processes as may be necessary to enforce the jurisdiction herein conferred.

SEC. 31. An Act entitled an Act to incorporate the Town of Colusa, approved April fourth, A. D. eighteen hundred and seventy, and all Acts amendatory of and supplementary thereto, are hereby repealed, and this Act shall take effect and be in force from the time of its passage.

CHAP CCCCLXI.—*An Act to reserve from sale the north half of section sixteen, in township seven south and range three east, Monte Diablo meridian.*

[Approved April 1, 1876.]

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

SECTION 1. The north half of section sixteen, in township number seven south and range number three east, Monte Diablo meridian, is hereby reserved from sale by the State of California until otherwise directed by the Legislature.

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

CHAP. CCCCLXII.—*An Act to authorize Drury Melone, John Lord Love, and James J. Green to sue the State.*

[Approved April 1, 1876.]

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

Melone,
Love and
Green
authorized
to commence
suit

SECTION 1 Drury Melone, late Secretary of State and member of the State Board of Examiners, John Lord Love, late Attorney-General and member of said Board of Examiners, James J Green, late Controller and member of the State Board of Equalization, are hereby authorized to commence and prosecute civil actions in the District Court of the Fourth, Sixth, Twelfth, or Fifteenth Judicial District, against the State of California, as follows, to wit: Said Drury Melone, upon his alleged claim of fourteen hundred and sixty-six dollars (\$1,466⁶⁶/₁₀₀), for salary as a member of said Board of Examiners; said John Lord Love, upon his alleged claim of twenty-one hundred and fifty dollars, for salary as a member of said Board of Examiners; said James J. Green, upon his alleged claim of seventeen hundred and twenty dollars, for salary as a member of said Board of Equalization.

Summons
Attorney-
General to
defend

SEC. 2 Summons in said actions shall be served by delivering a copy thereof, attached to a copy of the complaint, to the Attorney-General of the State; and it shall be the duty of the Attorney-General to defend said action.

Appeals to
Supreme
Court

SEC. 3. Either party to any of said actions may appeal to the Supreme Court from any judgment or appealable order of the District Court made therein; and in case the final judgment in the District Court is against the State, it shall be the duty of the Attorney-General to appeal therefrom to said Supreme Court

If judgment
for plaintiffs,
Controller
to draw
warrants

SEC. 4. If final judgment should be rendered against the State, and such judgment should not be reversed or modified on appeal, it shall be the duty of the Controller of State, upon presentation of certified copy of said judgment, to draw his warrant in favor of said Drury Melone, J. L. Love, J. J. Green, respectively, for the amount of the judgment in favor of each, including costs; and on a presentation of such warrants, it shall be the duty of the State Treasurer to pay the same.

Action of
Court to be
final

SEC. 5. Said Melone, Love, and Green, by commencing actions as herein provided, shall be deemed to have waived all claim against the State other than the right to recover in said actions, if their cause of action is held sufficient, and to consent that the action of the Court upon the merits of said claims shall be final.

Appropriation
for
claims

SEC. 6. The sum of fifty-four hundred dollars is hereby appropriated, out of any funds in the State treasury not otherwise appropriated, to pay any warrants that may be legally drawn by the Controller under the provisions of this Act

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

CHAP. CCCCLXIII.—*An Act for the relief of James W. Marshall.*

[Approved April 1, 1876.]

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

SECTION 1. The sum of one hundred dollars per month, for the period of two years, is hereby appropriated for the relief of James W. Marshall; *provided, however,* that said appropriation shall cease on the death of said Marshall, if the same should occur within the two years named.

Appropriation

SEC. 2. The Controller of the State is hereby directed to draw his warrants, monthly, for the sum of one hundred dollars each, in favor of James W. Marshall, and the Treasurer of State is hereby directed to pay the same.

Controller to draw warrant

SEC. 3. Said warrants shall not be assignable.

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

CHAP. CCCCLXIV.—*An Act to amend an Act entitled "An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof," approved March thirtieth, eighteen hundred and seventy-four.*

[Approved April 1, 1876.]

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

SECTION 1. Section three of said Act is amended so as to read as follows: Section 3. The members of the Board now in office shall continue in office until their successors are elected and qualified. The county is divided into three Auditor Districts. District Number One shall be composed of Placerville, Coloma, and White Oak Townships; District Number Two shall be composed of Lake Valley, Mountain, Cosumnes, Diamond Springs, and Mud Springs Townships; District Number Three shall be composed of Georgetown, Greenwood, Kelsey, and Salmon Falls Townships. An Auditor shall be elected in District Number One at the Presidential election in November, eighteen hundred and seventy-six, and shall hold office for the term of three years from and after the first Monday in December, eighteen hundred and seventy-six, an Auditor shall be elected in District Number Two at the general election in the year eighteen hundred and seventy-seven, and shall hold office for the term of three years from and after the first Monday in December succeeding his election; an Auditor shall be elected in District Number Three in the year eighteen hundred and seventy-eight, and shall hold office for the term of three years from and after the first Monday in December succeeding his election. All vacancies in the Board shall be filled by the

Auditor Districts

Auditors, when to be elected

Vacancies

appointment of the County Judge, to hold office until the first Monday in December succeeding the next election at which an Auditor can be elected.

Powers and
duties of
Board

SEC. 2. Section five of said Act is amended so as to read as follows. Section 5. It shall be the duty of the Board:

First—To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, charged with the collecting, safe-keeping, management, or disbursement of the public moneys; to see that they faithfully perform their duties, and, when necessary, require them to renew their official bonds, to make reports, and to present their books and accounts for inspection.

Second—To examine and audit the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law, or otherwise, for its use and benefit.

Third—To examine, settle, and allow accounts legally chargeable against the county, for services rendered, and material and supplies furnished the county (except the salaries of officers), and to order warrants to be drawn on the County Treasurer therefor, and provide for the issuing of the same.

Fourth—To divide the county into townships, school, road, and other districts required by law, change the same and create others, as convenience may require.

Fifth—To establish, abolish, and change election precincts, and to appoint Inspectors and Judges of Elections, canvass all election returns, declare the result, and issue certificates thereof.

Sixth—To lay out, maintain, control, and manage public roads, turnpikes, ferries, and bridges within the county.

Seventh—To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect, officer and maintain hospitals therefor, or otherwise provide for the same.

Eighth—To provide a farm in connection with the County Hospital, and make regulations for working the same.

Ninth—To purchase, receive by donation, or lease any real or personal property necessary for the use of the county; preserve, take care of, manage, and control the same, but no purchase of real property must be made unless the value of the same has been previously estimated by three disinterested citizens of the county, appointed by them for that purpose, and no more than the appraised value must be paid therefor.

Tenth—To cause to be erected and furnished a Court-house, jail, hospital, and such other public buildings as may be necessary, including a vault for the protection of the county records and treasure; such vault to be paid for by warrants drawn on the Current Expense Fund.

Eleventh—To sell at public auction, at the Court-house door, after thirty days' previous notice, given by publication in a newspaper of the county, or posted in five public places of the county, and convey to the highest bidder, for cash, any real or personal property belonging to the county, and

for the sale of which provision has been made by law, paying the proceeds into the county treasury for the use of the county. Powers and duties of Board

Twelfth—To equalize the assessments.

Thirteenth—To insure the county buildings in the name of and for the benefit of the county.

Fourteenth—To grant licenses and franchises, as provided by law, for constructing, keeping, and taking tolls on roads, bridges, ferries, and chutes.

Fifteenth—To fix the compensation of all county officers not otherwise, in the Political Code, or by general or special law, fixed, and provide for the payment of the same.

Sixteenth—To fill by appointment all vacancies which may occur in county or township offices, except those of County Judge, Supervisor, and member of the Board of Auditors.

Seventeenth—To contract for the county printing, and provide books and stationery for county officers.

Eighteenth—At the adjournment of each session of the Board, to cause to be published, in a newspaper or otherwise, a fair statement of all their proceedings, and semi-annually a statement of the financial condition of the county.

Nineteenth—To make and enforce such rules and regulations for the government of their body, the promotion of order, and the transaction of business, as may be necessary.

Twentieth—To adopt a seal for their Board, a description and impression whereof must be filed by their Clerk in the offices of the County Clerk and Secretary of State.

Twenty-first—The Board shall not have any control over any suits brought for or against the county, nor can any summons or other writs against the county, in any suit or proceeding whatever, be served upon the Board or any member thereof, and the service of any writ or order upon the Board or any member thereof shall not in any manner be binding upon the county.

SEC. 3. Section nine of said Act is amended so as to read as follows: Section 9. The Board shall have the same powers in relation to elections, juries, the appointment of county, district, and township officers, and the approval of official bonds, as are conferred upon Boards of Supervisors by existing laws. Same.

SEC. 4. Section eleven of said Act is amended so as to read as follows: Section 11. The Board shall have all the powers and perform all the duties conferred by an Act entitled "An Act concerning roads and highways in the County of El Dorado," approved March fifteenth, eighteen hundred and seventy-two, on the Board of Supervisors of said county, except that the Board of Auditors shall have no power to levy any tax for roads or other purposes. Same.

SEC. 5. Section twelve of said Act is amended so as to read as follows: Section 12. The Board of Auditors shall have the powers and perform the duties assigned to Boards of Supervisors by sections fifteen hundred and seventy-eight (1578), fifteen hundred and seventy-nine (1579), twenty-seven hundred and seventy-nine (2779), twenty-seven hundred and eighty (2780), twenty-seven hundred and eighty-one (2781),

Powers and
duties of
Board

twenty-seven hundred and eighty-two (2782), twenty-seven hundred and eighty-three (2783), twenty-seven hundred and eighty-seven (2787), twenty-seven hundred and eighty-eight (2788), twenty-seven hundred and ninety-seven (2797), twenty-eight hundred (2800), twenty-eight hundred and one (2801), twenty-eight hundred and forty-three (2843), twenty-eight hundred and forty-four (2844), twenty-eight hundred and forty-five (2845), twenty-eight hundred and forty-six (2846), twenty-eight hundred and forty-seven (2847), twenty-eight hundred and forty-eight (2848), twenty-eight hundred and fifty (2850), twenty-eight hundred and fifty-four (2854), twenty-eight hundred and fifty-six (2856), twenty-eight hundred and fifty-seven (2857), twenty-eight hundred and seventy (2870), twenty-eight hundred and seventy-one (2871), twenty-eight hundred and seventy-two (2872), twenty-eight hundred and seventy-three (2873), twenty-eight hundred and seventy-four (2874), twenty-eight hundred and seventy-six (2876), twenty-eight hundred and seventy-eight (2878), twenty-eight hundred and ninety-two (2892), twenty-eight hundred and ninety-three (2893), twenty-eight hundred and ninety-four (2894), thirty-six hundred and seventy-two (3672), thirty-six hundred and seventy-three (3673), thirty-six hundred and seventy-four (3674), thirty-six hundred and seventy-five (3675), thirty-six hundred and seventy-six (3676), thirty-six hundred and seventy-seven (3677), thirty-six hundred and seventy-eight (3678), thirty-six hundred and seventy-nine (3679), thirty-six hundred and eighty (3680), thirty-six hundred and eighty-one (3681), and thirty-six hundred and eighty-two (3682), of the Political Code.

CHAP. CCCCLXV.—*An Act to levy taxes for county purposes, and to provide for the redemption of the bonded indebtedness of El Dorado County*

[Approved April 1, 1876]

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

Levy of
taxes, rates
of

SECTION 1. There is hereby levied upon each one hundred dollars' value of taxable property in El Dorado County, for the twenty-eighth and twenty-ninth fiscal years each, as follows. For the County Current Expense Fund, seventy cents; for the Hospital Fund, twenty-five cents; for the Special Road Fund, five cents, for the School Fund, ten cents, for the redemption of bonded indebtedness, fifty cents.

Hospital tax

SEC. 2. There is hereby levied, for hospital purposes, a per capita tax of one-half dollars on each and every male inhabitant of El Dorado County over the age of twenty-one years; said per capita tax shall be collected by the County Tax Collector of said county, and the payment thereof enforced at the same time and in the same manner as State

poll-taxes are or may be collected, and retaining ten per cent. of said per capita taxes in full compensation for the collection thereof. Said Tax Collector shall pay over the balance of said tax monthly to the County Treasurer, who shall place said tax in the Hospital Fund of said county.

Sec. 3. The County Clerk, County Treasurer, and District Attorney of said county, and their successors in office, shall constitute a Board of Commissioners; to be styled the Bond Commissioners of said county. All moneys collected under the tax designated in section one of this Act for the redemption of bonded indebtedness shall be set apart and placed in a fund to be known as the "Bond Redemption Fund" of the County of El Dorado. Whenever at any time there shall be in said Bond Redemption Fund a sum of money amounting to two thousand dollars or upwards, the said Bond Commissioners shall advertise in the public newspaper published in said county in which the county advertising is done, for the space of four weeks, for sealed proposals for the redemption of any bonds of said county, and ten days from the expiration of the time for such publication said Commissioners shall open said proposals and shall pay and liquidate, as far as the Bond Redemption Fund then in hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be redeemed and liquidated; *provided*, that no bid or proposal shall be accepted for more than eighty cents upon the dollar of face value of said bonds. When the money in the fund is insufficient to pay such percentage as aforesaid of any bond, and of the interest coupons attached, the Commissioners, if they deem it proper, may apply the money to the payment of the interest coupons; all unaccepted bids, and the accompanying bonds, shall be returned to the owner. The Board of Commissioners shall cause to be written across the face of each such bond and interest coupon as may be surrendered and redeemed, the rate at which the same was redeemed, and the amount to be paid, which shall be signed by each member of the Board. The Treasurer of said county shall pay the amount written and specified on the face of such bonds and interest coupons from the said "Bond Redemption Fund" of said county, and shall mark or stamp the same as paid, giving the date of payment. All moneys remaining in said Bond Redemption Fund unapplied on the first day of May of each year, shall, upon the order of said Commissioners, be paid into the Hospital Fund of said county, after the present year.

Sec. 4. The said Commissioners, and all other officers herein mentioned, shall be liable on their official bonds for the faithful performance of all the duties required of them under the provisions of this Act, and shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices; and said Commissioners and other officers shall receive no compensation for the service required of them under the provisions

Clerk,
Treasurer,
and District
Attorney to
be Bond
Commis-
sioners.

Notice of
redemption
of bonds.

Payments
on bonds,
how made.

No extra
compensa-
tion

of this Act other than that allowed them by law for the performance of the duties of their respective offices.

Transfer of funds

SEC. 5. Immediately after the passage of this Act the Treasurer of said county shall transfer to said "Bond Redemption Fund," subject to the uses thereof as aforesaid, all moneys in the Railroad Redemption Fund of said county.

Civil actions, limitation of

SEC. 6. The provisions of the Code of Civil Procedure limiting the time of commencing civil actions shall not apply to the bonded indebtedness hereinbefore mentioned, from the passage of this Act until the commencement of the next session of the Legislature, nor to any action to be brought thereon, *provided*, that this section or this Act, or anything therein, shall not be construed to have any other or further effect upon the validity or invalidity of said bonded indebtedness than to arrest the running of the statute of limitations upon the bonds of said county, or the coupons thereof, until the meeting of the next Legislature.

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

CHAP. CCCCLXVI.—*An Act to confer certain powers upon the Directors of the Deaf, Dumb, and Blind Asylum*

[Approved April 1, 1876.]

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

Directors to invest moneys

SECTION 1. The Directors of the Deaf and Dumb and Blind Asylum are hereby authorized and empowered to take, receive, manage, and invest all moneys and property heretofore or hereafter bequeathed or donated to the said asylum, in accordance with the wishes of the testator or donor, or if no conditions are attached to the bequests or donations, to invest such moneys or proceeds of property for the best interests of the asylum.

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

CHAP. CCCCLXVII.—*An Act to authorize the payment to B. E. Hunt, or his assigns, for services as teacher in the Calistoga School District, Napa County.*

[Approved April 1, 1876.]

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

Superintendent of Schools to issue warrant to B. E. Hunt

SECTION 1. The County Superintendent of Public Schools of Napa County is hereby authorized to draw his warrant or warrants against the County School Fund of Napa County, in favor of B. E. Hunt, or his assigns, for services rendered by said Hunt as teacher in Calistoga School District, Napa

County, during the school year of eighteen hundred and seventy-three, *provided*, that no warrant or warrants shall be drawn, as hereinbefore provided, until the said Hunt, or his assigns, shall have presented to the said Superintendent an unpaid order or orders upon the County Superintendent of Public Schools of said county, signed by the School Trustees of said Calistoga School District, and in favor of said Hunt, for services as teacher during said school year.

SEC. 2. The County Treasurer of Napa County is hereby authorized to pay any warrant or warrants drawn in pursuance of the provisions of the foregoing section of this Act, out of any moneys belonging to the County School Fund of said county. Treasurer to pay same

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

CHAP. CCCCLXVIII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of John F. Swift.*

[Approved April 1, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to allow and order paid, to John F. Swift, a sum not exceeding five thousand dollars, for services rendered or to be rendered by said John F. Swift as special counsel for said city and county, in certain suits at law between said city and county and the "Spring Valley Water Company." Supervisors to allow claim

SEC. 2. The Auditor of said city and county is hereby authorized and directed to audit said claim, when so allowed by said Board of Supervisors, and the Treasurer of the aforesaid city and county is hereby authorized and directed to pay the same out of the General Fund of said City and County of San Francisco, when so allowed and audited. Treasurer to pay warrant

SEC. 3. The amount set forth in section one of this Act shall be full compensation for all services rendered or to be rendered by the aforesaid John F. Swift in the suit or suits set forth in section one of this Act.

CHAP. CCCCLXIX.—*An Act granting relief to tax-payers whose lands have been sold to the State.*

[Approved April 1, 1876.]

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

SECTION 1. In all cases where real estate has been sold for delinquent taxes for the year eighteen hundred and

Sales to State
of real estate
for taxes,
owners may
redeem
within one
year

seventy-four, eighteen hundred and seventy-five, and of which the State has become the purchaser, the person whose real estate was thus sold, or his successor in interest, shall, within one year after the passage of this Act, 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, as also all taxes which were a lien on such real estate at the time such real property became delinquent, together with all costs and expenses which may have accrued by reason of such delinquency, as also the costs and expenses of such redemption, and upon such payment being made the County Treasurer shall, in the name of the people of the State of California, execute a conveyance, conveying to such delinquent, or his successor in interest, all the right, title, and interest of the State in and to such real estate which the State holds by reason of such sales for taxes; and in all such cases if separate parcels of lands belonging to different owners, or in case where the property belonged to persons deceased, his or their executors or administrators, have been assessed and sold together, said Treasurer shall, upon the request of any such owner, executor, or administrator, segregate the tax, costs, and expenses, and apportion its proportion thereof upon any separate parcel of such land, and upon payment by such owner, executor, or administrator of the amount so apportioned, such parcel shall be conveyed to him; *provided*, that nothing contained herein shall apply to lands formerly owned by the State and by it sold, but for which payment in full shall not have been made at the time of such delinquency.

Costs and
expenses

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

CHAP. CCCCLXX.—[See volume of *Amendments to the Codes*]

CHAP. CCCCLXXI—*An Act for the relief of George Green and James Smith, of the City and County of San Francisco.*

[Approved April 1, 1876.]

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

Release from
bond.

SECTION 1. That George Green and James Smith, of the City and County of San Francisco, be and they are hereby released and relieved from all liability on a certain bail bond in the sum of five hundred dollars, payable to the people of the State of California, dated October twenty-third, eighteen hundred and seventy-four, and conditioned for the appearance of one J. W. Adams, in whatever Court the charge in

said bond mentioned should be prosecuted; *provided*, that the said George Green and James Smith shall pay all expenses, including fees of special counsel and cost of Court, which may have already been incurred in the proceedings for the collection of said bond.

CHAP. CCCCLXXII.—*An Act to confer certain powers upon corporations organized for the purpose of discovering and preventing fires, and of saving property and human life from conflagration.*

[Approved April 1, 1876.]

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

SECTION 1. Any corporation of underwriters heretofore organized and now existing, or which may be hereafter organized under the laws of this State, for the purpose of discovering and preventing fires and of saving property and human life from conflagration, and doing business within any municipal corporation of this State, shall have power, at its own proper cost and expense, to maintain a corps of men, with proper officers, equipped with the necessary machinery and apparatus therefor, whose duty it shall be, so far as practicable, to discover and prevent fires and save property and human life from conflagration; and for the effective discharge of such duties, power and authority is hereby granted such corps to enter any building on fire, or in which property is on fire, or which such corps or any officer thereof shall deem to be immediately exposed to any existing fire, or in danger of taking fire from a burning building, and to remove or otherwise save and protect from conflagration or damage by water any property, during and immediately after such fire; *provided, however*, that nothing in this Act shall be so construed as in any degree to lessen, impair, or interfere with the powers, privileges, duties, or authority of the regular fire department of such municipality; *and provided further*, that no act of such corps shall justify any owner of any building or property in abandoning such building or property.

SEC. 2. Such corporation, with its officers and corps, when running to a fire, shall, with its horses, vehicles, and salvage apparatus, have the same right of way as is or may be bestowed by any ordinance of the municipality or law of this State upon the regular fire department of the municipality wherein such corporation is acting; *provided*, that the rights of such fire department shall always be paramount to the rights of said corporation. All ordinances now existing or which may hereafter be passed by the municipal authorities of any city and county, or of any incorporated city or town wherein such a corporation may carry on business, and all

Protection
granted

laws of this State applicable to such city and county, or city or town, for the conviction or punishment of any person or persons willfully or carelessly obstructing the progress of the apparatus of the fire department of such city and county, or city or town, while going to a fire, or of any person or persons willfully or carelessly injuring any animal or property of said fire department, shall be equally applicable to any person or persons willfully or carelessly obstructing the progress of the apparatus of such corporation while going to a fire, and to any person or persons who shall willfully or carelessly injure any animal or property of such corporation; and said laws and ordinances, and their penalties, may be enforced in the same Courts and in the same manner, and with equal force and effect, as in the case of the fire department.

Costs and
expenses of
maintaining
organization,
how
assessed

SEC. 3. Each such corporation shall have power to assess its members for the cost of establishing and maintaining its organization, upon the basis of insurance business transacted by such members within the municipality where such corporation is carrying on business, and in such manner as is or may be provided for by its by-laws, and all assessments so made may be duly enforced under and by virtue of the laws of this State. For the purpose of ascertaining the basis of such assessments, such corporation shall have power to require and demand from each and every member thereof, quarterly statements, sworn to by the President or Secretary, in case the insurance company or member on which the demand is made shall be incorporated under the laws of this State, or otherwise by the agent of the company who shall be recognized as such by the Insurance Commissioner of this State, which quarterly statement shall show the aggregate amount of premiums received and receivable for fire insurance upon property within such municipality, by said company or member, during the three months next preceding, respectively, the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in each year, and a demand by the Secretary or Treasurer of such corporation, made within fifteen days after the termination of any such quarter of a year, as hereinabove set forth, shall be considered the demand herein provided for, and any member who shall fail to make such statement within ten days after such demand, shall, for each day's delay after such ten days, forfeit ten dollars, to be added to such member's next assessment, and payment thereof to be enforced in like manner as is provided for enforcing payment of assessments.

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

CHAP. CCCCLXXIII.—*An Act to prohibit the sale of intoxicating liquors within one mile of College City, Colusa County, State of California.*

[Approved April 1, 1876.]

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

SECTION 1. It shall be unlawful for any person or persons to keep or expose for sale, or sell, or give, or permit others to take, for a consideration, directly or indirectly, any malt or spirituous, or other alcoholic liquors, upon or within one mile of the southeast corner of the plat of ground set apart for college purposes in College City, Colusa County, State of California, except for medicinal purposes. Sale of liquors prohibited.

SEC. 2. Any violation of section one of this Act shall be deemed a misdemeanor, punishable by fine, or imprisonment in the jail of Colusa County, or both ; the fine to be not less than fifty dollars or more than one hundred dollars, and the imprisonment not to be less than thirty nor more than ninety days for each offense. Misdemeanor.

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

CHAP. CCCCLXXIV.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXV.—*An Act granting to the Omnibus Railroad Company certain rights therein named.*

[Approved April 1, 1876.]

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

SECTION 1. The right is hereby granted to the Omnibus Railroad Company, being the assignee of the parties named as the grantees of an Act entitled "An Act to provide for a railroad within the City and County of San Francisco," passed April seventeenth, eighteen hundred and sixty-one, to which this Act is supplemental and amendatory, to lay down and maintain within the City and County of San Francisco, in extension and completion of its railroad, as now existing, an iron railroad, with a single or double track, with all the necessary switches, as follows: From and connecting with the said company's railroad on Market Street, at or near Sansome Street; thence on and along said Market Street to a point at or near Bush Street, and so as to connect with the track now laid on Market Street from said Bush Right to lay tracks granted.

Street to East Street, and in part owned by said Omnibus Railroad Company, with all the rights and privileges, and subject to the same restrictions, conditions, and obligations contained in the Act mentioned in this section, and all the Acts supplemental to and amendatory thereof; *provided, however*, and it is expressly understood, that in no event shall there be more than one double track in addition to the double track now laid down and owned by the Market Street Railway Company.

Extension of
franchise.

SEC. 2. That the time for the Omnibus Railroad Company for laying and completing the several railroads which it has been authorized to construct, equip, and maintain in the City and County of San Francisco, is hereby extended for the period of two years from and after the passage of this Act.

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

CHAP. CCCCLXXVI.—*An Act to revise an Act entitled "An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government," approved March twenty-sixth, A. D. eighteen hundred and seventy-four.*

[Approved April 1, 1876.]

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

That an Act entitled "An Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and to provide for its more efficient government," approved March 26th, A. D. 1874, be and the same is hereby revised so as to read as follows:

ARTICLE ONE.—INCORPORATIONS AND CITY BOUNDARIES.

Corporate
name.

SECTION 1. The corporation, or body corporate, now existing and known as the Mayor and Common Council of the City of Los Angeles, shall, except as hereinafter altered, amended, changed, or enlarged, remain and continue to be, and, with such changes, and alterations, and enlargements, hereby is incorporated as a public corporation, body corporate and politic, by the name of the City of Los Angeles.

Corporate
boundaries.

SEC. 2. The boundaries of said city shall be as follows, to wit: Commencing at a point in the County of Los Angeles, State of California, one hundred chains south of and thirty-five chains and seventy links east from the common corner of townships one and two south, and ranges thirteen and fourteen west of the San Bernardino meridian and base line; running thence east four hundred and twenty-one chains and thirty-six links; thence north four hundred and forty-one chains and thirty-six links; thence west four hundred and twenty-one chains, thirty-six links; thence south four

hundred and forty-one chains, thirty-six links, to the place of beginning, said courses being according to the true meridian; said boundaries embracing an area of eighteen thousand five hundred and ninety-seven and one-seventh acres of land.

ARTICLE TWO.—GRANTS OF RIGHTS, POWERS, ETC.

SECTION 1. That there be and is hereby granted to said corporation, to be by it held and enjoyed in absolute ownership, the full, free, and exclusive right to all of the water flowing in the River Los Angeles, at any point from its source or sources to the intersection of said river with the southern boundary of said city; also the right to develop, economize, use, and utilize all waters flowing beneath the surface in the bed of said river, at any point or points between the points of termini above given; and for that purpose it is hereby declared that the powers to condemn property outside of the limits of said city, given by provisions of section two, article two, of this Act, in so far as the same relate to the condemnation of the property in water, for increasing the water supply of said city, are intended to be given and to be restricted to such sources of supply, and to the rights therein; excepting and reserving from the operation of the aforesaid grant of the water flowing in said river, unless the same be condemned and taken for public use as herein provided, all vested private rights to the water flowing upon the surface, or beneath it, in the bed of said river; *and provided*, that said corporation shall not in any manner dispose of, transfer, or convey any portion of said water, or any right to develop or use the same, or any portion thereof, to any corporation, association, individual, or other person who might or would use the same in any way prejudicial to the use thereof for irrigation within the limits of said city, or who might or would at any time, for any good or valuable consideration, desire to sell, or any way dispose of to any other person, natural or artificial, any interest therein or right to the use thereof; *and provided further*, that the zanjas which are within the limits of said city, and known as the principal zanja, and zanjas numbers one, two, three, four, five, six, seven, and eight, are hereby declared public zanjas, and the quantity of water which has heretofore generally flowed in each one of said zanjas is hereby declared to be the quantity which by right belongs to each one of said zanjas, and to the farmers and fruit-growers who are benefited by their use. Any person or persons who shall throw, or cause to be thrown, any filth or matter detrimental to the public health, or allow their sewers or sinks to run or drain into any of said zanjas, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court having jurisdiction thereof, shall be fined in a sum not exceeding one hundred dollars and not less than twenty dollars, for the first offense, and not more than three hundred dollars nor less than fifty dollars for every subsequent offense, or by imprisonment in the County Jail for not more than

Corporate rights as to waters in Los Angeles river, etc

Pollution of drains, sewers, etc., to be misdemeanor.

thirty nor less than five days, or by both such fine and imprisonment. Any person violating this section shall be prosecuted before any Court of competent jurisdiction in the City or Township of Los Angeles, upon complaint of any person aggrieved, or of the Overseer of Water-courses of said city. All moneys collected as fines, under the provisions of this section, shall be paid into the city treasury of said city, to the credit of water fund of said city, known as the "New Water Fund."

Fines-

Corporation
may hold
property.

SEC. 2. Under said corporate name the said corporation is declared a public or municipal corporation, and by such name shall have perpetual succession; may make and use a corporate seal, and change and alter the same at pleasure; sue and be sued, plead and be impleaded, in any and all Courts of justice, and in all actions, suits, and proceedings whatever; may purchase, hold, and receive property, real and personal, or either, within or without the limits of said city, for any or all of the following purposes, to wit:

First—For public buildings, public works and improvements, for public parks, and burial grounds, and cemeteries, or either.

Second—For the establishment and maintenance of hospitals and asylums for the care of the decrepit and invalid persons, persons afflicted with contagious, loathsome, or other diseases, or either.

Third—For the erection and maintenance of jails, work-houses, and houses of correction, or either.

Fourth—For the construction, maintenance, and operating of water-works, dams, reservoirs, ditches, canals, and other means to supply the city and its inhabitants with water for the purposes of domestic use and of irrigation, and to distribute such water either in zanjas, ditches, pipes, or otherwise, into, upon, and over the lands within the limits of said city, or for either of said purposes.

Fifth—For the purpose of establishing and constructing, maintaining and operating of gas-works, and distributing the same, in pipes or otherwise, into and throughout said city, or either.

Sixth—For the purpose of laying out and opening, extending, widening, or otherwise improving streets, alleys, lanes, sidewalks, and crosswalks within said city.

Seventh—For the purpose of laying out, building, and constructing of sewers, drains, and cess-pools, or either.

Eighth—For any or all other public or municipal objects, as required for the protection, benefit, and convenience of said city and its inhabitants, and for any or all of such purposes and objects in this section enumerated or referred to, the said corporation shall have the right, and is hereby empowered, to condemn any and all property required to be taken therefor, in the manner hereinafter provided, or as otherwise provided by law.

City taxes

SEC. 3. The said corporation shall have the further power, and is hereby further authorized, through its officers and agents, as hereinafter provided, or as is now or may hereafter be prescribed by the ordinances, by-laws, resolutions, rules,

and regulations of said city, passed and adopted in pursuance hereof, to assess, levy, and collect each year, upon all property, both real and personal, in said city, and taxable under the laws of the State, taxes and assessments for general municipal purposes, and for such special objects and purposes as is now authorized by law, or by this Act, or any subsequent Act of the Legislature, may be authorized to be imposed, levied, and collected; *provided*, that such taxes, levied for general municipal purposes, exclusive of such special taxes and assessments, shall not exceed for any one year the sum of one dollar and fifty cents on each hundred dollars' worth of property, both real and personal, within said city.

SEC. 4. The said corporation, through its officers and agents, as hereinafter provided, or as may be prescribed by the ordinances, by-laws, resolutions, rules, orders, and regulations passed and adopted in pursuance hereof, shall have the further power, and is hereby authorized, subject to the restrictions, provisions, and conditions herein contained, to manage and control, to sell, lease, or otherwise, except by mortgage or hypothecation, or as herein provided, dispose of any or all of the property of said corporation, and to appropriate the proceeds, profits, or other income therefrom to the use and benefit of said corporation.

May sell property.

SEC. 5. The Mayor and Common Council, acting for and on behalf of said corporation, shall have power, and is hereby authorized by ordinance, to provide for the licensing, regulating, restraining, suppressing, and prohibiting, or either, of any and all hawkers, peddlers, pawnbrokers, dance-cellars, melodeons, shows, circuses, billiard tables, bowling and ten-pin alleys, faro-banks, gaming with cards, games of chance, gambling-houses, tables, or stands, bawdy-houses, and any and all noxious and offensive, immoral, indecent, or disreputable places, businesses, and practices, or either, in said city; also, to license the carrying on and conducting of any and all professions, trades, callings, occupations, or other business by any person, natural or artificial, within the corporate limits of said city; to fix the amount of license tax thereon and to be paid by such persons therefor at such sums respectively as the said Mayor and Council shall think equitable and just, and may, in the name and for the benefit of said corporation, enforce, in such manner as they see proper to prescribe, the payment of such license taxes by suit, either with or without attachment, in the proper Court, under the laws of this State, or by fine and imprisonment, or either, or in such other manner as in said ordinances may be provided. Also, to provide by ordinance for the prevention of vagrancy within said city, and for the punishment, confinement, imprisonment, and employment, or either, of any and all persons having no visible and reputable means of support, or leading idle and dissolute lives.

Ordinances, to provide for.

SEC. 6. The said Mayor and Council shall have the further power, by ordinance, to create the offices of City Surveyor, Superintendent of Streets, Zanjero, or Water Overseer, and any other officers, or either, as they may think necessary or required, for the more efficient government of said corpo-

Certain officers may be appointed.

ration; and may, in such ordinances, provide for the election or appointment of any or all of such officers, as they shall deem best, and prescribe their respective powers and duties. Should the office of Superintendent of Streets be created, the Council may delegate to such officer such power as it may see fit, regarding the making of repairs and improvements upon streets and other public grounds, when the expenditure therefor will not exceed the sum of two hundred dollars.

ARTICLE THREE.—OF OFFICERS, ETC.

City officers
enumerated;
terms and
duties of.

SECTION 1. Until the holding of the meetings of the Council required by section three, article four, of this Act, to be held after the general municipal election in December, A. D. one thousand eight hundred and seventy-six, the officers of said corporation shall be: A Mayor, twelve members of the Council, four from each ward in said city; a City Attorney, a City Marshal, a City Assessor, a City Treasurer, a Clerk of the Council, and a Judge of the City Court, and such other officers the offices of whom may be created in pursuance of this Act. At the general municipal election to be held in the month of December, A. D. one thousand eight hundred and seventy-six, no election shall be held to fill the office of City Marshal, but there shall be appointed by the Council, within fifteen days after such election, a suitable person as Chief of Police; and from and after the holding of the meetings of the Council, in this section before referred to, the officers of said corporation shall be: A Mayor, twelve members of the Council, four from each ward in said city; a City Attorney, a Chief of Police, City Assessor, City Tax Collector, City Treasurer, Clerk of the Council, a Judge of the City Court, and such other officers, elected or appointed, and whose offices may be created in pursuance of this Act; *provided*, that until the beginning of the term of office of Chief of Police, to be appointed by the Council, all the duties required by this Act to be performed by such Chief of Police shall be performed by the City Marshal. The Mayor, members of the Council, City Assessor, City Tax Collector, City Attorney, and City Treasurer, and all other officers, when so provided by ordinance, shall be elected as hereinafter provided. For the purpose of municipal representation, the said city is hereby divided into three wards, the boundaries of which, until the redistricting of the city by the Council, in pursuance of the authority hereinafter given, shall be the same as now established by the ordinances or resolutions of said city. Members of the Council, representatives from each ward, shall be elected by the qualified electors, under this Act, residing in such wards respectively. All other elective officers, except as herein otherwise authorized, shall be elected by the qualified electors at large residing in said city. The person appointed to the office of Chief of Police, in December, one thousand eight hundred and seventy-six, shall enter upon the discharge of the duties of such office at twelve o'clock m. on the first Monday in January, A. D. one thousand eight hundred and seventy-seven, and shall hold

Elections.

Wards.

Chief of
Police.

the same, subject to the provisions of this Act, for two years thereafter, or until the election and qualification of his successor. The Judge of the City Court shall be appointed as hereinafter provided.

SEC. 2. Should the Mayor and Council create any office, and make no special provision for filling the same; or should any office, except those of Assessor and City Tax Collector, Mayor, or Councilman, become vacant before the expiration of the term of the incumbent elected or appointed to such office, it shall be the duty of the Council, unless in the case of any office created by ordinance it shall be otherwise provided, to appoint a suitable person to fill the same for such unexpired term. Should a vacancy occur in the office of City Assessor or City Tax Collector before the expiration of the term for which the incumbent thereof was elected, it shall be in the discretion of the Council to order a special election for the election of a successor, to hold for such unexpired term; or such election, if no necessity for a special election exist, may be postponed until the next regular general municipal election, or until the next regular municipal election.

Created offices, how filled.

SEC. 3. The power and authority given to said corporation by this Act is vested in a Mayor and Council, and such other officers, the offices of whom are created by this Act, or may be created in pursuance of its provisions, and may be exercised by them respectively, as herein provided, or as may be prescribed by any ordinance, by-law, resolution, rule, and regulation, or either, enacted, passed, or adopted in pursuance of the terms of this charter, in the same manner, to the same extent, and with the same authority, as if thereunto specially authorized and directed.

Corporate powers, in whom vested.

ARTICLE FOUR.—RIGHTS, POWERS, AND DUTIES OF THE COUNCIL.

SECTION 1. The Council shall have power, and is hereby authorized, for and in behalf of said corporation, by resolution in writing, to be entered upon its minutes, to make regulations to prevent the introduction or spreading of any loathsome, contagious, or other diseases into the city; to make regulations and provision for the removal of persons affected with any contagious or loathsome disease to a suitable hospital, provided and prepared by the city, or other party, for that purpose; to secure the protection of persons and property within said city, and to provide for the health, cleanliness, ornament, peace, and good order of the city and its inhabitants, or persons residing within its limits; to declare what constitutes a nuisance, and upon motion, to provide for the prevention, removal, or abatement of any and all nuisances within said city; to provide this city with good and wholesome water, and to that end, and for that purpose, may exercise, use, enjoy, and carry out, in the name of said corporation, any and all measures requisite and necessary therefor, power to perform which is given said corporation by the provisions of section two of article two of this Act. Also, to provide for lighting the streets and public

General powers and duties of Council; ordinances to be passed.

General
powers and
duties of
Council;
ordinances
to be passed.

buildings belonging to the city, with gas, or light from the use of any other material or substance, and to that end, and for that purpose, may exercise, use, enjoy, and carry out in the name of said corporation, any and all measures requisite and necessary therefor, power to perform which is given said corporation by the provisions of said section two of article two of this Act. Also, by resolution in writing, to lay out and open public streets within said city, at such time and in such manner as to it shall seem proper; to vacate, to extend, widen, and improve the same; to lay out and construct, change, and alter sewers, drains, zanjas, water ditches, and canals in said city, or without the limits of said city, when required to conduct the sewerage, flowing into the sewers, to cess-pools or other places of deposit thereof, or when required to conduct the water used, or to be used for irrigation, into and upon the lands within the limits of said city, or into reservoirs located within or without such limits; and to those ends, and for those purposes, or either, to exercise, use, enjoy, or carry out any and all measures requisite and necessary for said purposes, or either, power to perform which is given said corporation by the provisions of said section two of article two of this Act. Also, upon motion or otherwise, to provide for and maintain, out of the General Fund of said city, a proper and efficient fire department, and to make and adopt such measures, rules, and regulations, for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as the said Council may think best; also, by resolution in writing or otherwise, to provide against the existence of all filth, garbage, and other injurious or inconvenient matter, substances, or things within or along the zanjas, water ditches and canals, streets, sidewalks and crosswalks, private lots, yards, or premises, or either, in said city, and for the removal of such substances and things, or either, therefrom, and may make such rules and regulations, and adopt such measures therefor, as to them may seem best; also, to provide for, regulate, restrain, or prohibit the establishment of market-houses and places, slaughter-houses, and butcher shops, or either, and may make such rules and regulations for the management and control of such places as to it may seem best; also, by resolution in writing, to redistrict and redivide the said city into three wards, in such a manner as to the Council may seem best calculated to equalize, as nearly as possible, the population to each ward, and may establish, alter, and change the same at pleasure, when, in their opinion, demanded to accomplish such end. Also, to provide for the erection of a City Jail, House of Correction, and Work-house, or either, and the government, management, and control thereof, and may, by such resolution, motion, or otherwise, until the erection of such jail, make such provisions for the care and custody of all parties sentenced to confinement or imprisonment as they may see proper. Also, by resolution in writing, to regulate the keeping or storage of gunpowder, and any and all other inflammable or combustible materials within the limits of said city, or any portion thereof; also, to establish, allow, fix,

prescribe, and regulate the salaries, fees, and compensation of all officers and employes of the corporation, except when otherwise provided by this Act, or the ordinance, by-laws, or resolutions now in force, and not hereafter repealed, or by those passed in pursuance hereof. Also, except as herein otherwise provided, to exercise, use, and carry out all the authority vested in said corporation by section two, article two, of this Act, and to manage and control said property in such ways as to it may seem best. Also, except otherwise restricted, upon motion or otherwise, to appropriate money to pay the debts, liabilities, and expenditures of the city, or of any part or item thereof, and from any fund applicable thereto; also, to provide for surveys of the blocks, streets, or lands within the limits of said city, and to declare such surveys official, and compel all persons to conform to the lines of said streets, as now or hereafter established. Also, to provide for the arrangement and preservation of the records, papers, and archives of said city, and, also, to exercise and carry out and execute such other power and authority as is given to said corporation by this Act, either expressly or by implication, and not otherwise specially delegated, and to make, pass, and adopt, for such purpose, such laws, rules, and regulations as shall be necessary therefor.

SEC. 2. The Council shall annually, at the regular meeting appointed by this Act, or as soon thereafter as practicable, elect a suitable person, other than a member of the Council, as Clerk of the Council. Such Clerk shall perform all the duties required of him by this Act, and by any ordinance, resolution, or order of the Mayor and Council, or either, of said city. The Clerk otherwise shall be under the control of the Council, and may be removed by them at any time, and another person elected in his stead. The Council shall keep, or cause to be kept, a journal of its proceedings, and, on the call of any member, shall cause the ayes and noes to be taken upon any question before it, and entered upon the journal. All proceedings and deliberations of the Council shall be public.

Clerk, duties of

SEC. 3. On the seventh day, including Sunday and other legal holidays, after the completion of the canvassing by the Council of the vote cast at any general municipal election, or any municipal election for the election of the Councilmen, there shall be held meetings of the Council. Such meetings are appointed by this Act, and no notice thereof is necessary. The Council, of which the terms of part of the members are about to expire, shall meet, approve the records of their sessions then unapproved, receive such communications and reports, and adjourn sine die. Immediately thereafter, the members of the Council holding over, and the members [?] members-elect at the last election, shall convene and proceed then, or at any subsequent time, to such organization as it shall see proper to form, not inconsistent with this Act. After such organization, it may, at any time thereafter, proceed with the transaction of the business of the Council, including all unfinished business; *provided*, if, from any cause, the said meetings referred to in this section be not

Meetings of Council

held on the day hereby appointed, the same may thereafter be called by the Mayor for any other time, as herein provided for special meetings of the Council; the notices in such case to be served not only upon all members of the Council, but also upon members-elect thereof.

Same. SEC. 4. The Council shall have power, and is hereby authorized, by resolution in writing, to be entered upon its minutes, to provide for the time and place of its other regular meetings; but it may, upon motion, at any regular, special, or adjourned meeting, adjourn to the next succeeding regular meeting, or to any specified time prior thereto. Special meetings of the Council may be called by the Mayor, at any time, either for the transaction of special or adjourned business; and the notice thereof, signed by the Mayor, specifying the object, if special, shall be personally served upon each member of the Council, or shall be served by leaving a copy of the same at his place of business, if served between the hours of seven o'clock A. M. and five o'clock P. M., when such place of business is known; or if not known, or if served at any other time, by leaving a copy thereof at his residence or domicile.

Same. SEC. 5. A majority of the members actually constituting the Council shall be a quorum to do business, but any less number may meet and adjourn from time to time, and may compel the attendance of absent members in any manner prescribed by the rules and regulations of the Council. The Mayor shall be ex officio President of the Council, and shall preside over its deliberations when in session. He shall not be entitled to a vote upon any question, but shall have power and authority to preserve order, enforce the rules of the Council, and determine the order of business, subject to the rules of or an appeal to the Council. If the Mayor should be absent from any meeting of the Council, the Council must appoint one of their own number President, to serve during that meeting. Such President pro tem. shall have the right to vote upon any question, in the same manner as the other members of the Council, and in all other respects shall have the same rights and powers as the Mayor, as such President.

Same. SEC. 6. The Council shall have power to punish any member, or other person, by fine not exceeding one hundred dollars, or by imprisonment in the City Jail or other place of confinement not exceeding ten days, for disorderly or improper conduct committed in their presence when in session at any meeting, and may, in addition to the enforcement of the fines and other penalties provided therefor, by a two-thirds vote, expel a member for the breach of its rules and regulations, and declare his seat vacant.

Same. SEC. 7. A majority of the whole number at the time actually constituting the Council, is a majority of the Council, or members thereof, within the meaning of this Act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance, or except when otherwise specially provided.

The concurrence of a majority of the members actually constituting the Council shall be necessary for the final passage of an ordinance.

ARTICLE FIVE.—OTHER OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over its affairs and subordinate officers. It is his duty annually, at the meeting of the Council appointed by section three, article four, of this Act, to communicate by message to the Council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communications to the Council from time to time as he shall deem expedient. It is his further duty to be vigilant and active in the enforcement of the ordinances, by-laws, rules, and regulations of the city; to exercise a constant supervision over the acts and conduct of all its officers and employés; to receive and examine into all complaints made against them for violation or neglect of duty, and certify the same to the Council, who shall receive and refer the same to a committee of three of its members to hear the evidence and report to the Council, as soon as practicable, whether the accused party be guilty or innocent. If the accused party be found guilty, the Council shall prescribe the punishment, which punishment may be suspension for any time less than sixty days, or removal from office or position.

Powers and duties of Mayor.

SEC. 2. The Mayor, except in case of his own official bond, shall take and approve all official or other bonds which by this Act are, or by the ordinances, resolutions, or orders of said city authorities may be, required to be given by any officer, contractor, or other employé of said corporation, and when he approves such undertaking he shall immediately file the same with the Clerk of the Council.

Official bonds.

SEC. 3. If at any time, owing to absence from the city, sickness, or any other cause, the Mayor should be unable to perform the duties of his office, he shall notify the Council thereof at its first meeting thereafter, and the Council shall appoint one of their number as Mayor pro tem. Such Mayor pro tem. shall perform and discharge, in the same manner and with like power and effect, any and all of the duties of the Mayor, until the meeting of the Council at which the Mayor shall notify it of his readiness to resume the discharge of his office; *provided*, that if at any time both the Mayor and the Mayor pro tem. should perform any act or do any thing conflicting, one with the other, the action or thing done by the Mayor shall take precedence and govern the action of the Mayor pro tem.; the action of the Mayor, if otherwise legal, shall be valid; the action of the Mayor pro tem. shall be void; *and provided further*, that the Mayor pro tem. shall be entitled to receive from the Mayor one-half of all salary, fees, and other compensation payable to him, for such time as the said Mayor pro tem. shall serve in his stead.

Mayor pro tem.

Salary and fees of.

City
Attorney.

SEC. 4. It shall be the duty of the City Attorney to prosecute, in behalf of the people, all criminal cases for violation of city ordinances and resolutions, pending in the City Court, and in all other Courts, upon appeal thereto, and to attend to all suits, matters, and things in which the city may be legally interested; to give his advice or opinion in writing whenever required by the Mayor or Council, and to do and perform all such things touching his office as by the Council may be required of him.

City
Marshal

SEC. 5. It shall be the duty of the City Marshal, during the continuance of such office, in addition to the duties prescribed to him by the ordinances, by-laws, resolutions, rules, and regulations of said city authorities, to execute and return all processes issued by the City Court or Judge thereof, or directed to him by any legal authority; to attend upon the City Court regularly; to arrest all persons guilty of a breach of the peace, or of any violation of any ordinance, or by-law, resolution, rule, or regulation of said municipal authorities, and bring them before the City Court, or other proper Court, for trial. He shall possess a superintending control, subject to the Board of Police Commissioners, over the City Police, and shall, until the election and qualification of a City Tax Collector, perform all the duties of Collector of the city taxes. He may appoint one or more deputies, who shall possess the same power and authority as the Marshal.

Deputies.

Assessor.

SEC. 6. It shall be the duty of the Assessor, in addition to the duties that may be prescribed for him by any ordinance, resolution, by-law, rule, or regulation of the Mayor and Council of said city, or either of them, to make out, within such time as may be prescribed by the ordinances of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true, and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof. The Assessor may appoint as many deputies as the Council shall allow; the compensation of such deputies to be fixed by the Council, and paid for out of the General Fund of the city.

Deputies.

Board of
Equalization;
city
taxes.

SEC. 7. The mode of making out such lists, of ascertaining the value of property, and equalizing the same, shall be such as is now or may hereafter be prescribed by the ordinances of the Mayor and Council of said city. When such list has been made out, and the same returned to the Council, as prescribed by such ordinances, the Council shall, at the time and in the manner prescribed in such ordinances, sit and act as a Board of Equalization. As such Board, it shall have, as regards the equalization of said list, all the powers conferred by law upon the Board of Supervisors of the County of Los Angeles as a Board of Equalization of State and county taxes. After such list has been equalized, the Council shall fix the levy or rate per cent. of taxes levied for all municipal purposes for that fiscal year. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute, from the date of such levy of the rate or per cent., a lien

upon the real property situated in said city so assessed, or owned by the party against whom such assessment is made. Every such assessment, and the lien thereof, shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property, when assessed to an unknown owner. The judgment is not satisfied nor discharged until all the taxes assessed against the property and the owners thereof are paid, or the property sold for the payment thereof.

SEC. 8. The said corporation shall have such other rights, claims, privileges, and liens, for the amount of such municipal taxes, as may now or hereafter be given to, or exercised by the people of this State, for and on account of the assessment and collection of State and county taxes, levied in said county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided*, that the Mayor and Council of said city shall, in said ordinances, prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates, and conveyances had, made, and executed by them, in pursuance thereof, shall be of like force, effect, and validity, as is or may hereafter be given by law to such proceedings and acts in the matter of the collections of State and county taxes in said county.

Collection of taxes.

SEC. 9. It shall be the duty of the Treasurer, unless otherwise provided by or in pursuance of this Act, to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay the same out on warrants, legally ordered by the Council, drawn and signed by the Clerk of the Council, and countersigned by the Mayor, and to do and perform all such other acts as may be prescribed to him by this Act, any city ordinance, or by the Council of said city. He shall, on the first day of January, April, July, and October, of each year, and at any other time, when required by the Council, make out and present to the Council a full and complete statement of the receipts and expenditures since his last report, which statement the Council shall cause to be published. The Finance Committee, or any special committee of the Council thereto appointed by themselves, or with the aid of any accountant selected by said committee, shall have the right and power to examine the books of the Treasurer, and to inspect and count all public moneys under his control, or on deposit elsewhere.

Treasurer.

SEC. 10. There is hereby created and established in said city, a Court, to be known and called the City Court of Los Angeles City. It shall be the duty of the Council, immediately after the passage of this Act, to appoint some suitable person to fill the office of Judge of said Court. Such person so appointed shall, subject to the provisions of this Act, hold the said office until twelve o'clock m. on the first Monday in January, A. D. eighteen hundred and seventy-seven, or until the election and qualification of his successor. At the time

City Court, Judge of.

provided by this Act for the appointment, by the Council, of the Chief of Police, in December, A. D. eighteen hundred and seventy-six, and every two years thereafter, the Council shall appoint some suitable person as Judge of said Court, for the ensuing term of two years, commencing at twelve o'clock m., on the first Monday in January thereafter. The Judge of said Court shall receive, and be paid out of the Salary Fund of said city, a salary of eighteen hundred dollars per annum, payable monthly, in equal monthly installments. His salary shall neither be increased nor diminished at any time during the term for which he shall be appointed. The Judge of the said Court shall be, and he is hereby authorized, if he shall see proper, to appoint any suitable person as Clerk of said Court; but no salary shall at any time be allowed out of the city treasury for services of such Clerk.

Salary of

Clerk.

Jurisdiction
of City Court.

SEC. 11. The City Court of said city, as to all offenses committed within any such limits to which the jurisdiction of said city by this Act is declared to extend, whether against the laws of this State, or the ordinances, resolutions, rules, and regulations of said city, shall have the same jurisdiction, power, and authority as is now or may hereafter be conferred upon Justices of the Peace or Justices' Courts in and for said township or townships whereof said city may form a part or the whole; and in any of such cases shall have the same power and authority to examine and discharge or commit persons brought before it and charged with the commission of any such offense. The Judge thereof may take recognizances to appear, bonds to keep the peace, and may issue all writs and processes, in like manner and to the same extent, and with the same power and authority, as is now or may hereafter be conferred upon said Justices of the Peace, or upon said Justices' Courts in such cases, or either of them.

Same.

SEC. 12. The City Court, except as herein otherwise provided, shall also have jurisdiction over violations of any ordinance, by-law, resolution of any of the authorities of said city, committed within the limits of said city, and may, according to the provisions of such ordinances, resolution, by-law, rule, or regulation, hold to bail, fine and imprison, or either, any person found guilty of such violation.

Same.

SEC. 13. All prosecutions brought before the said Court, whether for offenses committed against any law of this State or against any ordinance, resolution, by-law, rule, or regulation of any of the authorities of said city, shall be brought and prosecuted in the name of the people of the State of California.

Same

SEC. 14. The said City Court shall have and exercise the same civil jurisdiction in all matters as is now, or may hereafter, be conferred by law upon Justices' Courts in said townships, and the Judge thereof shall possess the same rights, powers, and duties, except as herein provided, and be entitled to receive the same fees for all services rendered by him in such matters, as Justices of the Peace in said township, in similar matters.

SEC. 15. The City Tax Collector shall collect all taxes and assessments levied by said city authorities, and do and perform such other acts as may be required of him by this Act, or by any ordinance, resolution, or other order of said city authorities.

SEC. 16. The Chief of Police shall perform such duties as shall be prescribed to him by any ordinance, resolution, or other order of said city authorities. It shall be his special duty, subject to the Board of Police Commissioners, to exercise a superintendence over the police of said city, and perform all the duties now as the duties of the Marshal, except as are hereby, or may be conferred, upon the City Tax Collector. He may be removed from office at any time by the Council.

ARTICLE SIX.—PROCEEDINGS TO CONDEMN PROPERTY FOR PUBLIC USE.

SECTION 1. Whenever it shall become necessary for the said corporation to take private property for any municipal or public use, the Council may, by resolution or on motion, direct proceedings to be taken for the condemnation of such property, and to ascertain the compensation to be paid therefor. For that purpose a petition in the name of the corporation, signed by its attorney, shall be presented to the County Court of the county in which said city is located, at a regular term thereof, stating the object for which the said property sought to be condemned is required, particularly describing the property, and praying for the appointment of Commissioners to ascertain the amount of compensation to be made to the owner and other parties in interest named in the petition, for and on account of the taking thereof for the proposed public use. If several pieces of property, or parts of several pieces of property, whether owned by the same or different owners, be required for the same object or public use, all or any part less than all may be embraced in one proceeding, or separate proceedings may be commenced against each respectively. Whenever any proceeding has been commenced jointly against two or more parties, the said corporation shall have the right at any time to dismiss such proceedings as to any one or more of such parties, and proceed as against the remainder. Notice of the time and place at which such petition will be presented to the County Court, signed by the attorney, shall be given to the owners of such property, and all other parties in interest. Such notice shall state generally the object of the proceedings and the property sought to be taken, and may refer for all particulars to the petition, which must be on file in the office of the Clerk of said Court at the date of said notice. If the service upon any party be made within the county, the notice may be served upon him by delivering to him personally a copy thereof at least five days prior to the time appointed for the presentation of the petition to the Court. If the service be made out of the county, but within this

Council may
condemn
property

State, the notice may be served upon him by delivering to him personally a copy of such notice at least ten days before the time appointed for the presentation of the petition. If the owner or other party be a non-resident of the county, or cannot be found within the county, service may be made upon him by publication of a copy of the notice once a week for two weeks in some newspaper printed and published in the county. The publication shall be completed at least five days before the presentation of the petition to the County Court. The notice shall in all other respects be served and returned as may be provided by the laws of the State for the service and return of a summons in civil actions pending in the District Court of said county; *provided*, that in the case of a publication no order of publication shall be required, nor shall it be necessary to file any paper, or copies of any papers, in the office of the Secretary of State. Proof of service of such notice by publication shall be made by affidavit of the proprietor, publisher, book-keeper, or other person connected with the publication of the paper in which said notice shall be given. But in all cases, whether the parties in interest be known or unknown, the publication once a week for two weeks in some newspaper printed and published in the county, of a notice correctly describing the property sought to be taken, and the proof of such publication as aforesaid, shall be sufficient notice to all parties in interest, and sufficient proof thereof. Such notice may be addressed to the parties in interest by name, or to unknown owners, or both. If service be not had upon all the parties as above provided, before the time appointed for the hearing, the Court may continue the hearing from time to time, not exceeding thirty days, for service upon such parties not served. In all such proceedings a *lis pendens* may be filed at the time of filing the petition, or any time thereafter, the same to be filed in like manner and with like effect as in other cases under the laws of this State.

Commissioner to
ascertain
damages

SEC. 2. The Court, before hearing the application, shall have satisfactory evidence that such notice has been given, as above provided, to all parties as to whom the proceeding is still pending, and when so satisfied the Court shall, by entry in its minutes, appoint five disinterested persons Commissioners to ascertain the compensation, specifying in the entry the time and place for the first meeting of the Commissioners. The Commissioners shall be sworn to discharge their duties faithfully and impartially. They or a majority of them shall view the premises, and ascertain and report in writing to the Court, as soon as practicable, the compensation proper to be paid to the parties interested in each piece of property sought to be taken. If any one or more Commissioners fail to qualify, or thereafter be prevented from acting, the Court may at any time appoint one or more other Commissioners.

Report of
Commissioners,
hearing of
by Court

SEC. 3. If no objections in writing have been filed with the Clerk of the Court, by the petitioner or by any of the other parties in interest, within five days after the filing of the report, the Court shall, by an order to be entered in the

minutes of the Court, confirm the report of the Commissioners. If such objections to the report of the Commissioners be filed by any party, as above provided, the Court may at any time thereafter proceed to hear and determine the same, and the evidence of the witnesses produced in support of the objections and in opposition thereto, respectively, and may, if it think the report informal, refer the same back to the Commissioners for correction as to form, and may, if it think the compensation to be either excessive or inadequate, set aside the report, and refer the matter again to the same or other Commissioners. The second and all subsequent reports shall be made, heard, and determined as above provided, and the Court shall have the power to set aside the same, and cause other reports to be made. The Court, when satisfied with the report of the Commissioners, and the compensation awarded, shall confirm the same, as above provided. In all proceedings referred to in this article, and now pending in the County Court, wherein the report of Commissioners has been made, and no order of condemnation entered, and wherein no objections to the report have been made, or when such objections have been made and disallowed, the said Court shall, at any time within six months after the passage of this Act, upon motion, make and enter its order of confirmation, as above provided.

Court may confirm.

SEC. 4. Whenever any proceeding for the condemnation of property for the opening of new streets, the extending or prolongation of streets, or widening, or straightening of streets in said city, or for any other purpose, when the damages are to be paid by assessment upon the property benefited, is instituted, the report of the Commissioners filed, and the order of confirmation has been made and entered by the Court, and any damage or damages have been awarded to the owners of such property so taken, and to other parties in interest, it shall be the duty of the Clerk of the Council, within thirty days thereafter, to procure from the Clerk of the County Court of said county a certified copy of the report of the Commissioners in such proceedings, and the order of confirmation made and entered by the Court therein, and submit the same to the Council, at any meeting thereof, within twenty days from the expiration of the said thirty days. The Council shall apportion the damages awarded in such proceeding amongst the owners of real property liable to be assessed therefor as herein provided, and cause an assessment to be made upon the real property liable to be assessed therefor, and having by motion adopted such assessment, shall then order the Clerk of the Council to enter and record in the docket of city liens, hereinafter referred to, the said assessment of damages against said owners of the property liable therefor respectively. Such record shall substantially contain the same entries as required by section nine of article seven of this Act in the assessment of property for grading and other street improvements, and shall be and constitute a lien upon the property assessed therefor. After such entry has been made in the docket of city liens, if the said assessment be not paid by the several parties liable therefor within

When damages are awarded, Council to apportion same to property benefited.

thirty days, the Council shall order the Clerk of the Council to issue warrants thereon, directed to the City Tax Collector, or other officer performing the duties of City Tax Collector, and commanding him to sell the said property liable therefor. Such warrant shall be executed and returned, and all subsequent proceedings shall be taken in the same manner and with like force and effect as provided by article seven of this Act for the enforcement of liens upon property for grading or otherwise improving the streets in said city. All costs of surveys, maps, Commissioners' fees, costs of Court, and other expenses, except damages allowed to the parties in interest, shall be paid out of the General Fund of the city; *provided*, that all costs and other expenses incurred in opposition to any petition or report, or in any proceedings for the review of any order, shall be paid by the party against whom the decision thereon may be rendered.

Expenses,
how paid.

Final con-
demnation of
property.

SEC. 5. The Court shall at any time, on proof being made that the respective amounts of damages awarded and confirmed to the parties in interest have been paid to them, or into the Court, shall cause an order to be entered in the minutes, describing the property, setting forth the ascertainment of compensation and the payment as aforesaid, and adjudging and decreeing that the said corporation have, hold, and enjoy the said property for public use, as prayed for in the petition. Upon the entry of the order of condemnation being made by the Court, the corporation shall be entitled to have, hold, use, and enjoy the property for public use and as decreed in said order, as fully as if the same had been conveyed to it by the owners and other parties in interest, and made parties to such proceedings. A certified copy of the order, as entered, may be recorded in the Recorder's office of the county, in like manner and with like effect as if it was a deed of conveyance to the corporation from the parties defendant to such proceedings.

Subsequent
proceedings.

SEC. 6. If at any time thereafter it should be necessary, for the full enjoyment of said property by said corporation, to condemn the interest of any person, whether a party to such former proceeding or not, in such property not taken in the former proceeding, proceedings may be had for that purpose in the same manner and with like effect as hereinbefore provided.

Payment,
how to be
adjusted.

SEC. 7. In all cases where it is not provided by, or in pursuance of this Act, that the damages awarded to the several parties in interest shall be assessed upon the property benefited by such proposed public improvement, the Commissioners in any such proceeding shall, and the Court when hearing objections to the report shall, in ascertaining the damages or compensation to be awarded to the parties in interest, take into consideration the benefits and advantages the proposed public use of the property, as stated in the petition, will be to the owners of such property, and shall deduct the same from the amount of damages, and pay only the balance, if any shall exist, as the just compensation to be made.

SEC. 8. All damages and compensation awarded or paid to the owners of property, or other parties in interest, for and

on account of the taking of the same for the laying out and opening of any new street, shall be paid by, and all such improvements shall be made at the expense of, all the property holders along and fronting on either side of the proposed route of such street to be laid out and opened, in proportion to the number of front feet owned by them respectively along such proposed route; all such damages incurred in extending and prolonging the line of any streets shall be paid by, and all such improvements shall be made at the expense of, all the owners of real estate along and fronting either side of such extension and prolongation, and along and fronting upon either side of said street prolonged or extended, within such distance as the Council shall in their discretion determine to be just, from the final point on such street from which such proposed prolongation and extension is made, measuring backward along the center of such street, from the point in the center and at the terminus of the street from which such extension commences, and in proportion to the number of front feet owned by them respectively and fronting on such extension and on such street, within the distance so ascertained and fixed by the Council from such points. All such damages incurred in the widening or straightening of any street shall be paid by, and such improvement shall be made at the expense of, the parties owning real property along and fronting upon either side of that portion of such street so to be widened or straightened, and upon either side of said street, within such distance as the Council shall determine, from either or both of the points of termini of that portion of the street so to be widened or straightened, and from points on the other side of said street, and opposite to such points of termini, in proportion to the number of front feet owned by each one respectively, and fronting on either side of such portions of the street so to be widened or straightened, and on either side of such street, within such distance from such points of termini and points opposite thereto, so ascertained and fixed by the Council; *provided*, that in all cases mentioned in this section, the real estate fronting upon any cross-street or street fronting a junction with such street improved, and within one hundred feet of the nearest line of such street proposed or improved, shall also be assessed according to the frontage on such cross-street or street forming the junction as aforesaid.

Widening and straightening of streets, damages, etc.

SEC. 9. Whenever any lands or other property are purchased by said city without the institution of proceedings for the condemnation thereof, for any of the purposes enumerated in section eight of this article, the Council shall, as soon as the amount of the purchase money for such property has been ascertained, apportion the amount of such damages amongst the owners of property liable to be assessed therefor as herein provided. Such assessments shall be recorded and collected in the same manner as provided in section — of this article. The Council shall have power, and is hereby authorized, by resolution in writing, to make such provisions, rules, and regulations as to them may seem best for the levying and collecting of such assessments, and to conform

Council to apportion damages.

such mode, manner, and means more closely and more fully to the provisions of article seven of this Act.

ARTICLE SEVEN.—OF STREETS, THEIR GRADES AND IMPROVEMENTS.

Grades, etc. SECTION 1. The Council shall have power, and is authorized, whenever it deems it expedient, by resolution in writing, to establish or alter the grade, and to improve any street, or part thereof, now or hereafter laid out or established within the corporate limits of the city, and to make such improvement in such manner as they may think best. The power and authority to improve a street includes the power and authority to improve the sidewalks and pavements, and to determine and provide for everything convenient and necessary concerning such improvements.

Notices. SEC. 2. No grade or improvement mentioned in section ten can be undertaken or made without one day's notice thereof being first given, by publication in some newspaper published in the city, or by posting, as may be prescribed by the order of the Council.

Notice must specify. SEC. 3. Such notice must be given by the Clerk of the Council, by order of the Council, and must specify, at least in general terms, the street, or part thereof, proposed to be improved, or of which the grade thereof is proposed to be established or altered, and the improvement which is proposed to be made.

Remonstrances. SEC. 4. Within ten days from the publication of such notice, the owners of property fronting on such street, or part thereof, as the case may be, amounting to two-thirds of the frontage on such street, or part thereof, may make and file with the Clerk of the Council a written remonstrance against the proposed improvement, grade, or alteration thereof, and thereupon the same shall not then be further proceeded in, or made; but no protest shall be binding upon the Council for any longer period than three months from the presentation thereof; *and provided*, that the Council may proceed sooner if the property holders, owning real estate amounting to at least one-half of the frontage of property liable to be assessed for the improvement, shall petition the Council for such improvement, in writing.

Council may order work. SEC. 5. If no such remonstrance be so made and filed, the Council, at its earliest convenience thereafter, and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, or commence to make the proposed improvements, by passage of necessary resolution, as herein provided.

Letting of contracts. SEC. 6. When the resolution of the Council ordering any work to be done has been adopted, the Council may thereafter proceed to advertise, for such time and in such manner as it shall see fit, for proposals to do said work, and for the awarding of such contract as it shall deem best, and not inconsistent with this Act. The Council shall have the right to reject any or all bids, and may readvertise for other

proposals. It may let the work in such sections or parcels as it may deem best.

SEC. 7. In case the notice be for the improvement of a street, or a part thereof, the Council may, through the Surveyor, or other officers and employes, proceed to ascertain and determine the probable cost of making such improvements, and assess upon each lot, or part thereof, fronting thereon and liable therefor, its proportionate share of such cost. No defect in the name of any owner shall affect the validity of any assessment upon any lot, or part thereof, and if the name of any owner be unknown, the lot, or part thereof, may be assessed to unknown owners.

Costs, how assessed.

SEC. 8. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot, or part thereof, has been assessed, to the satisfaction of the Council, as provided in section seven, the Council must, by motion, declare the same, and direct its Clerk to enter a statement thereof in the docket of city liens, as provided in the next section.

Same.

SEC. 9. The docket of city liens is a book in which must be entered, in pursuance of this Act, the following matters in relation to assessments made in pursuance of this Act. There must be entered therein:

Docket of liens to contain.

First—The number or letter of the lot assessed, and the number or letter of the block in which it is situated, or any other valid description of the property, and if a separate assessment is made upon a part of a lot, a particular description of said part.

Second—The name of the owner thereof, or that the owner is unknown.

Third—The sum assessed upon such lot, or part thereof, and the date of the entry.

SEC. 10. The docket of the city liens is a public writing, and imparts notice to all the world of the matters and things therein recorded, and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of an entry therein of an assessment upon a lot, or part thereof, of a sum so entered is to be deemed a tax levied and a lien thereon, which lien shall have priority over all other liens or incumbrances thereon whatever.

SEC. 11. If written five days from the entry of the assessment in the docket of city liens, the sum assessed upon any lot or part thereof is not wholly paid to the City Treasurer, and a duplicate receipt thereof filed with the Clerk of the Council, the Council may thereafter order a warrant for the collection of the same to be issued by the Clerk, directed to the City Tax Collector or other person authorized to collect taxes due the city.

Collection of assessments.

SEC. 12. Such warrant must require the person to whom it is directed to forthwith levy upon the lot, or part thereof, upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of such sale, less his fees, if any be allowed by the Council therefor, to the City Treasurer, and the warrant to the said

Sale of property.

Clerk, with his doings indorsed thereon, together with the receipt of the City Treasurer for the proceeds of such sale as paid to him.

SEC. 13. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this article otherwise specially provided. If from any cause any warrant be not executed within the time allowed by law, the Council may order the issuance of an alias warrant, and as many thereof as may be necessary to enforce the collection of such assessment.

Redemption
by owner.

SEC. 14. The person executing such warrants shall immediately make a deed for the property sold, to the purchaser, stating therein that the same is made subject to redemption, as provided in this article. Within one year from the date of such sale, the owner, or any person in interest, may redeem the same, or any part thereof, upon the terms and conditions provided in the next section.

Same

SEC. 15. Redemption of the whole property is made by the payment of the purchase money, and forty per cent. addition, and the amount of any tax or incumbrance which the purchaser may have paid upon the property. Redemption of a part is made by the payment of that proportion of the purchase money which the part redeemed bears in value to the property sold for the assessment.

Same.

SEC. 16. A redemption discharges the property from the effects of sale for the assessment. If made by the owner, or his successor in interest, the estate in the property is thereby restored to such owner or successor in interest, as the case may be; but if made by a lien creditor, the amount paid for the redemption is thereafter to be deemed a part of his judgment, decree, or mortgage, as the case may be, and shall bear like interest, and may be enforced and collected as part thereof.

Same.

SEC. 17. Whenever a purchaser, or those claiming under him, refuse to convey to a person entitled to redeem, such person may enforce a conveyance thereof by a suit in equity, as for a specific contract to convey real property, and such suit may be maintained against absent parties, without proof of the tender of the money and offer to redeem, if the plaintiff bring such money into Court and offer there to redeem.

Property
liable.

SEC. 18. Each lot or part thereof, fronting upon any street, or part thereof, ordered to be improved, shall be liable for the proportion of the cost of making such improvements, which the frontage of such lot or part bears to the total frontage of the street, or part thereof, along which such improvement is ordered; *provided*, that the Council shall have the right to allow a credit at the contract price, as awarded by the Council, upon any assessment for any improvement of a street in front of any real estate, done within twelve months before the passage of this Act of Revision, or for any grading done under article nine of this Act.

Same.

SEC. 19. Within twelve months before the adoption of such assessment by the Council; *and provided further*, that no such credit shall exceed the amount of the proposed

assessment against such real estate, for and on account of which such credit is claimed. The cost of providing cross-walks, and of improving all intersections of streets, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, shall be paid out of the General Fund of the city, and shall not be included in such assessments. The cost of the surveys, maps, and of establishing grades, shall be paid out of the General Fund. Whenever any street, or part thereof, has been graded, or otherwise improved, at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the same shall require any repairs to be made thereon, at any time within twelve months from such acceptance, the Council may order such repairs to be made, and pay the same out of the General Fund; but may, if it see fit, proceed as hereinbefore provided, and have the cost thereof assessed upon the real estate benefited.

SEC. 20. A sale of real property under the provisions of this article conveys to the purchaser, subject to redemption, as herein provided, all the estate or interest therein of the owners, whether known or unknown. Validity of sales.

SEC. 21. When an assessment upon any lot or part thereof, for any improvement done, or ordered to be done, upon any street, for the payment of which assessment such property is chargeable becomes delinquent, any person having a lien thereon by judgment, decree, or mortgage, or otherwise, may at any time before the sale of such lot, or part thereof, pay the same, and the Council shall, upon such payment being made, order the Mayor, in the name of the corporation, to make and execute and deliver to the party making such payment, and to his assigns, an assignment and transfer of said claim of the corporation therefor; and upon such transfer being made, the amount of such delinquent assessment and all costs thereon, together with the cost of making such assignment, shall thereafter be deemed a part of such lien, creditor's judgment, decree, mortgage, or other charge and incumbrance, and shall bear like interest, and may be enforced and collected as a part thereof. Parties holding liens may pay assessments, and enforce collection.

SEC. 22. If at any time it is found that the sum assessed upon any lot or part thereof for any improvement is insufficient, the Council must ascertain the deficit, and declare the same; when so declared the Clerk must enter the sum of the deficit in the docket of the city liens, in a column reserved for that purpose in the original entry, with the date thereof, and such deficit shall thereafter be a lien upon such lot or part thereof, in like manner and with like effect as in the case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed. When deficit in assessment.

SEC. 23. If, upon the completion of any improvement, it is found that the sum assessed therefor upon any lot or part thereof, is more than sufficient to defray the cost thereof, and the fees and other expenses allowed by the Council for When surplus

collection, the Council must ascertain and declare the surplus in like manner as in the case of a deficit. When so declared it must be entered, as in the case of the deficit, in the docket of the city liens, and thereafter the person who paid such surplus, or his legal representative, is entitled to payment of the same by warrant on the City Treasurer.

SEC. 24. All money paid or collected upon assessments for the improvement of streets shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed, including a deficit, from time of being entered in the docket of city liens, shall bear interest at two per cent. per month until paid or collected.

When notice is not necessary.

SEC. 25. The proceedings authorized by this article, for the establishment or alteration of a grade, or the improvement of a street, or a part thereof, may be taken and had without giving the notice prescribed in section two, whenever the owner or owners of two-thirds of the property liable to be assessed shall, in writing, petition the Council therefor.

Drains and sewers.

SEC. 26. The Council shall have power to lay down all necessary sewers and drains, and may order the same paid out of the General Fund of the city; but it shall, unless it otherwise prescribe, cause the same to be assessed on property fronting on either side of the street or sewer. The mode of apportioning the estimated cost of improvement of streets, prescribed in section eighteen of article seven of this Act, shall apply to the construction of such sewers or drains, and when the Council shall not direct the same to be otherwise assessed or paid, such expenses shall in every respect be assessed and collected in the same manner as is provided in case of street improvements; *provided*, that no credit, mentioned in said section eighteen, shall be made in any assessment for construction of sewers; and that when any sewer is constructed across private property, and leaving such piece of property with two frontages thereon, such property shall be assessed for only one of such frontages.

Deficiency and surplus.

SEC. 27. Whenever any lot or part thereof, sold under the provisions of this Act, shall bring more than the assessment thereon, with interest and costs and charges of collection, the surplus must be paid to the City Treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file it with the Clerk of the Council on the return of the warrant. At any time thereafter the owner, or his legal representative, is entitled to a warrant upon the Treasurer for such surplus; *provided*, that whenever any lot or part thereof, sold under the provisions of this Act, shall bring less than the assessment thereon, the Council shall supply the deficiency out of the General or Cash Fund.

Deed.

SEC. 28. The deed to the purchaser must express the true consideration thereof, which is the amount paid by the purchaser, and the return of the person executing the warrant must specify the amount for which each lot or part thereof was sold, and the name of the purchaser.

ARTICLE EIGHT.—ELECTIONS.

SECTION 1. Elections to be held in said city, for the purpose of electing the officers of said city, are of three kinds: Elections defined.

First—General municipal elections.

Second—Municipal elections.

Third—Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Monday in December, eighteen hundred and seventy-six, and on the first Monday in December every two years thereafter. There shall be elected at the first general municipal election all of the elective officers of said city, including six members of the Council, two from each of the three wards in said city, to succeed those whose terms are about to expire. General municipal elections.

SEC. 3. All of the present officers of said city, except as herein provided, shall continue to hold their several offices until the expiration of the respective terms for which they have been elected. All officers elected at the first general municipal election shall hold office for the term of two years, or until their successors shall have been elected and qualified. Terms of officers.

SEC. 4. At every other succeeding general municipal election, there shall be elected all of the elective officers of said city, but including only six members of the Council, two from each of said wards, to succeed those whose term of office are about to expire.

SEC. 5. Municipal elections are those held for the purpose of electing members of the Council, and any or all of such other officers named in this section. The first election of this class shall be had on the first Monday of December, eighteen hundred and seventy-seven, and on the first Monday in December every two years thereafter. At such election, there shall be elected six members of the Council, two members from each ward, to succeed those whose terms are about to expire. When vacancies exist in the office of the City Assessor and City Tax Collector, or other officer performing the duties of City Tax Collector, or either, and the Council shall order the election of a successor for the unexpired term, such election may also be held at the same time. Municipal elections.

SEC. 6. Special elections are those which may be held for the sole purpose of electing an Assessor, City Tax Collector, or other officer performing the duties of City Tax Collector, where there exists a vacancy in any of such offices before the regular expiration of the term of such offices, and the election, in the opinion of the Council, should not be postponed until the next regular municipal or general municipal elections. If any special election be ordered, it shall be ordered, held, and conducted, except as to the date thereof, and the result thereof made known and declared, in the same manner as herein provided for other elections. Special elections.

SEC. 7. The Council of said city shall, by a resolution to be entered upon its minutes, order the holding of all elections of city officers, and other elections which may at any other time be authorized by law to be held, exclusively affecting the interests of said city. Such order shall specify the object Council to order elections.

of, the time of, and a place within the limits of each ward for the holding of, such election, and the names of the Inspector and Judges for each ward, who must be residents thereof, to conduct the holding of such election. Such order, certified by the Clerk of the Council to be a full, true, and correct copy of the original resolution adopted by the Council, shall be published in some newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

Returns.

SEC. 8. Returns of such elections shall be made to the Council, who shall, within ten days thereafter, either at a regular or a special meeting, canvass and declare the result thereof, and order certificates of election to be issued by the Clerk of the Council to the person elected.

SEC. 9. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of this State, as the same may at the time provided for the holding of general elections in this State; and to that end, and for that purpose, in so far as the same may be applicable and not in conflict with the provisions of this charter, the same, with the proper substitutions and corresponding changes, is hereby made applicable.

Officers to qualify.

SEC. 10. All officers elected at any election, or appointed by the Council to fill any vacancy, shall, within five days after the date of the issuance of the certificate of their election by the Clerk, qualify by taking the oath of office before some officer authorized to administer oaths, and shall file the same with the Clerk of the Council.

Official bonds.

SEC. 11. The Mayor, City Attorney, City Tax Collector, Chief of Police, Judge of the City Court, Treasurer, and Assessor shall, respectively, in addition to taking such oath, execute to the said municipal corporation a bond, with two or more good and sufficient sureties, in such sums as the Council shall prescribe, conditioned for the faithful discharge by them, respectively, of the duties of their respective offices. The bond of the Mayor shall be presented to the Council at its first regular meeting after his taking the oath; and after approval, shall be filed with, and remain in the official keeping of the Clerk of the Council.

Vacancies, failure to qualify.

SEC. 12. Should any person elected to any office fail to qualify and give bonds as herein required, the Council shall, at the first or any other meeting thereafter, by resolution, to be entered upon the minutes, declare such office vacant, and proceed to appoint a suitable person thereto, or to provide for the holding of a special election to fill such vacancy, as provided for by this charter.

Same.

SEC. 13. Any office shall be declared vacant upon the death or resignation of the incumbent, and whenever any officer, elected or appointed, shall be absent from the city without permission of the Council, for the period of thirty consecutive days; and in case of Councilmen, whenever any incumbent thereof shall remove from the ward which he represents, the Council shall declare such office vacant, and shall proceed to fill the same by election or appointment, as herein prescribed; *provided*, that a change of the boundaries

of any ward shall not be deemed to change the residence of any Councilman, so as to cause a vacancy in office.

SEC. 14. The Council shall have power to receive and canvass the returns of all elections authorized by this Act, and shall be the judge, otherwise than is herein set forth, of the qualifications, elections, and returns of its own members, and the other officers elected under this Act.

SEC. 15. No person shall be eligible to any municipal office who, at the time of his election, is not a qualified elector under the laws of this State; and to be eligible to the office of Councilman, in addition to the above qualifications, such person must have been a resident of the ward from which he is elected or appointed, for at least twelve months next preceding such election or appointment; *provided*, that in case of a redistricting, or redivision of the city into wards be made, whereby the lines or boundaries of any ward are changed, the last provision in regard to residence shall not apply to persons elected at the first election thereafter, or persons appointed as Councilmen before such election.

Eligibility to office.

SEC. 16. The qualifications of electors at any election held in said city in pursuance of this Act, shall be the same as those prescribed by the laws of this State for electors at any general State election, in force at the time of such election, and in addition thereto each elector must have resided in the ward in which he offers his vote for at least thirty days next prior to such election.

ARTICLE NINE.—MISCELLANEOUS PROVISIONS.

SECTION 1. The City of Los Angeles shall not be, and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof be approved by the Council, and the same ordered to be and be signed by the Mayor, or some other person in behalf of the city: but the Mayor and Council, by an ordinance, or the Council, by a resolution or motion, 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.

Extent of liability of city.

SEC. 2. The said corporation shall not be liable to any one, or for any loss or injury to person or property, growing out of or caused by the malfeasance, misfeasance, or neglect of duty of any officer or other authorities of said city, or for any injury or damage happening to such person or property, on account of the condition of any zanja, sewer, cess-pool, street, sidewalk, or public ground therein; but this section does not exonerate any officer of said city, or any other person, from such liability, when such casualty or accident is caused by the willful neglect of duty enforced upon such officer or person by law or by the gross negligence or willful misconduct of such officer or person in any other respect.

Same.

SEC. 3. The indebtedness of such city must not exceed in the aggregate the sum of four hundred thousand dollars; and any debt or liability incurred in violation of this section, except as hereinafter provided, whether by borrowing money,

City indebtedness to be limited

loaning the credit of the city, or otherwise, is null and void, and of no effect.

Decision of
Council
final.

SEC. 4. In any action, suit, or proceeding in any Court, concerning an assessment of property or levy of taxes authorized by this Act, or the collection of any such, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular, and duly done or taken, until the contrary is shown; and when any proceeding, matter, or thing is by this Act committed, or left to the discretion of the Mayor and Council, or the Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

Deeds must
show

SEC. 5. In making a deed for real property sold for a delinquent assessment, for any improvement, it is not necessary to set forth or recite the proceedings prior to the sale, but it is sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant of said city and the date thereof, that it was for a delinquent assessment and the amount thereof, together with the date of the sale and the amount bid thereat by the purchaser. The style of a warrant for the collection of assessments shall be: "In the name of the people of the State of California."

Grades

SEC. 6. Whenever the grade of any street has been established, the Council may authorize the owner or owners of any property thereon to cut down or fill up such street, in front of such property, according to such grade, at the expense and cost of such owners.

Filling
streets.

SEC. 7. The authority mentioned in section six cannot be given after an assessment has been made for the improvement of the street in front of such property; and in giving such authority, the Council may impose such terms and conditions as may be necessary to secure the deposit of excavations upon any part of such street as may require to be filled up.

Gold coin
only.

SEC. 8. Real property, when sold for or to satisfy a delinquent assessment or tax, must be sold for United States gold coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this Act provided, must pay or offer to pay the sum necessary therefor in such coin, and not otherwise.

SEC. 9. All real property within the limits of the city, not laid off in blocks or lots at the time of making an assessment authorized by this Act, except as herein otherwise provided, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

"Owner"
defined

SEC. 10. Whenever any lot or part thereof is sold for a delinquent assessment for a street improvement, and afterwards be sold for a deficit in such assessment, as in this Act provided, to any person other than the purchaser at the first sale, or his successor in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such resale, is to be deemed an owner, within the meaning of this Act.

SEC. 11. Every ordinance which shall have been passed Ordinances. by the Council shall, before it becomes effective, be signed by the Clerk of the Council, and be presented to the Mayor for his approval, if he approve it; if not, he shall indorse thereon the date of the presentation to him, and shall return it to the Clerk of the Council, with his objections in writing. The Clerk of the Council shall indorse thereon the date of its return to him, and shall, at the first meeting of the Council thereafter, present the same, with the objections of the Mayor, to that body. Thereupon the Council shall proceed to reconsider the passage of the ordinance. If, after such consideration, two-thirds of the members at that time actually constituting the Council, including absentees, agree to pass it, the same shall become an ordinance. In all such cases the vote shall be by ayes and noes, and the names of members voting for or against the same shall be entered upon the journal.

SEC. 12. If any ordinance shall not be returned to the Clerk of the Council, by the Mayor, with his objections, in writing, within ten days (Sundays and other legal holidays excepted) after it shall have been presented to him, it shall become effective, and be as valid as if the Mayor had approved and signed it.

SEC. 13. The style of every ordinance shall substantially be: "The Mayor and Council of the City of Los Angeles do ordain as follows."

SEC. 14. The style of every resolution in writing of the Resolutions. Council shall substantially be as follows: "Be it resolved by the Council of the City of Los Angeles as follows."

SEC. 15. The Mayor of the said city and the Clerk of the Oaths. Council shall, respectively, be authorized to administer oaths in the same manner and with like effect as other officers authorized by the law of the State to administer oaths.

SEC. 16. If the bonds of any officer should at any time become insufficient, the Council may require him to give Additional bonds of officers. additional security, and in case of his failure to do so within fifteen days, may declare his office vacant, and it shall be the duty of the Mayor at once to take into his charge and possession all books and papers, moneys, and other public property at the time in the hands or under the control of such officer so removed, and retain the same until the election or appointment and qualification of a successor. For the better enforcement of this section, the Mayor is authorized, at the cost of the city, to commence and prosecute, in his own name, all appropriate remedies therefor.

SEC. 17. All claims and demands against the said corporation shall, in accordance with such rules and regulations as the Council may prescribe, be presented to the Council, and shall be by them referred to a Committee on Finance, a special committee, or other appropriate committee, as may be determined by the Council, who shall examine, audit, allow, or reject the same, in whole or in part, subject to the approval of the Council. Such committee shall report to the Council as soon as practicable. The Council shall, thereupon, proceed to consider the report of the committee, and Claims, how acted upon.

the claim or demand presented, and shall, if the same be just and legal, order the same to be paid, and shall require the Clerk of the Council to draw a warrant upon the City Treasurer, in favor of the holder of such claim or demand, for the amount allowed, and payable out of the appropriate fund. Such warrant shall be signed by the Mayor and countersigned by the Clerk of the Council.

Action for,
when
rejected.

SEC. 18. No suit shall be brought upon any claim for money or damages against said corporation, until such claim or demand has been presented as aforesaid, and rejected by the Council, in whole or in part. If rejected in part, suit may be brought to recover the whole; nor shall suit be brought against said corporation upon any such claim or demand, if the Council shall allow the whole of such claim or demand, and shall order the same to be paid as hereinbefore required; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any claim or demand of his right to resort to a writ of mandate, or other proceeding against the said Council or any officer of said city, to compel them, or him, to act upon said claim or demand, to draw or to sign such warrants, or to pay the same when so drawn.

SEC. 19. A majority of the members actually at the time constituting the Council shall be necessary to pass any ordinance or resolution, or to do or to perform any other act whereby any debt is created and money is appropriated, or the revenue of the city is in any way diminished. Upon the passage of any such ordinance, resolution, or motion, the ayes and noes shall be called, and the names of the members voting for and against such ordinance, or resolution, or motion, shall be entered upon the journal of the proceedings of the Council.

Prosecu-
tions.

SEC. 20. In all prosecutions for violation of any city ordinance, rule, or other regulation of said city authorities, whether in the Court of original jurisdiction, or in any appellate Court, it shall be unnecessary to plead the contents of the same, but the Court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule, or other regulation, and of the contents thereof; and in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation, may be prima facie proven by the introduction of the original, the entry thereof on the journal of the proceedings of the Council, a copy of such entry certified by the Clerk of the Council to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy thereof.

Concerning
salaries.

SEC. 21. The Mayor shall not receive as a salary, for all services, more than one hundred dollars per annum, and the members of the Council shall receive no salary, pay, or compensation for any service rendered the corporation as such, while in office.

SEC. 22. It shall be the duty of the Clerk of the Council, upon the first Tuesday in May of each year, or as soon there-

after as practicable, to cause notice to be given by public advertisement for one week, in some daily newspaper published in the City of Los Angeles, that sealed proposals will be received from any bank of deposit in the City of Los Angeles, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Council, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Council shall thereupon cause a contract in writing to be drawn, and providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said city on deposit in said bank to pay the same; and providing, also, for the full accounting for all moneys so deposited, and the repayment of the balance on deposit, at the end of the term for which said contract shall be made, to the City Treasurer, or other person authorized by the Council to demand and receive the same. The Council shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said city. The contract, when approved by the Council, shall be signed on behalf of the city, as hereinbefore provided by section one of this article. Such depository, thus selected, shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor. Upon approval of such bond, and the signing of such contract, the Council shall direct the City Treasurer to deposit each day, when such bank is open for the transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit, the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect, at any time, to comply with the orders of the Council, as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon by and in the manner of said corporation, for the full amount of the interest which the corporation should have received upon such moneys, during such time as he shall retain the possession or control of such moneys, or he may be proceeded against by said corporation in its own name, by mandate brought against him under the laws of this State applicable thereto, to compel such deposits to be made.

Council to
let custody
of public
moneys
under
contract

SEC. 23. The official books and papers of all the officers Records, etc

of said corporation are city property, and must be kept as such by said officers during their continuance in office, and then delivered to their successors respectively, or to the Council. Such books and papers may at any time be inspected by the Mayor, or by a committee of the Council appointed for that purpose, or as herein provided.

Fines, etc.

SEC. 24. Unless otherwise provided in this Act, the Mayor and Council, or either, when authorized by this Act to adopt any ordinance or resolution, or make any rules or regulations, such municipal authority so empowered shall have the further power and is hereby authorized to provide that each and every violation of such ordinance, resolution, rule, or regulation shall be and constitute a misdemeanor, and may prescribe as a punishment therefor, to be imposed upon any person found guilty thereof, a fine not exceeding two hundred dollars, and by imprisonment not exceeding ninety days, or either such or imprisonment.

Publication of ordinances.

SEC. 25. In addition to what may be specially required by other provisions of this Act to be published, the following proceeding and acts of said municipal authorities shall be published in English and Spanish, by at least one insertion in such languages respectively, in some newspaper printed and published in said city, or by posting for at least ten days in three public places in said city, before such proceeding or act shall be of any validity or binding force and effect, to wit:

First—All ordinances adopted in accordance with the provisions of this Act.

Second—All resolutions of the Council required by this Act to be in writing.

Police Commissioners

SEC. 26. The Mayor, Judge of the City Court, and Chief of Police, shall be and constitute a Board of Police Commissioners. The Board shall have power to appoint as many regular and special policemen as may be necessary to regulate the same, and to dismiss from the police force at any time any member thereof. For the proper regulation of such police force the Board shall have the power to make such rules and regulations as may be proper. Only a majority of such Board shall be necessary to determine any question. The compensation of all policemen shall be prescribed by the Council.

SEC. 27. All Acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in full force after this Act takes effect, until changed or repealed by the proper authority, and all rights vested under any former Act or regulation when this takes effect shall not thereby be lost, impaired, or discharged.

SEC. 28. All Acts of the Legislature, in so far as the same are inconsistent with the provisions of this Act, but no further, shall be and the same are hereby repealed.

SEC. 29. This revisory Act shall take effect immediately.

CHAP. CCCCLXXVII.—*An Act to authorize the Controller and Treasurer of State to transfer certain funds.*

[Approved April 1, 1876.]

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

SECTION 1. The Controller and Treasurer of State are hereby authorized and directed to transfer from the General Fund of the State to the credit of the Swamp Land Fund the sum of forty-seven thousand nine hundred twenty-three and twenty-four hundredths dollars; *provided*, that if it appear, upon careful examination by the present Controller, that any or all of the money paid into the State Fund for the purchase of swamp lands prior to July first, eighteen hundred and fifty-eight, has at any time been returned to the Swamp Land Fund, no more funds shall be transferred under this Act than is so ascertained to be due said Swamp Land Fund.

Controller and Treasurer to transfer moneys to Swamp Land Fund

SEC. 2. From the amount transferred to the Swamp Land Fund, as provided for in section one of this Act, the Controller and Treasurer shall transfer to the credit of "Swamp Land District Number One Fund" the sum of eight thousand one hundred twenty-seven and eighty-nine one-hundredths dollars; to the credit of "District Number Two Fund," the sum of five thousand eight hundred forty-six and sixty-nine one-hundredths dollars; to "Swamp Land District Number Five Fund," the sum of thirteen thousand seven hundred eighty-four and eighteen one-hundredths dollars; to "Swamp Land District Number Eighteen Fund," the sum of seven thousand seven hundred forty-four and thirty one-hundredths dollars; to "District Number Fifty-nine Fund," the sum of four hundred sixty-three and nine one-hundredths dollars.

Apportionment of same.

SEC. 3. The balance remaining to the credit of Swamp Land District Number Five Fund, after paying the outstanding Controller's warrants drawn upon the funds of said district, shall be paid over to the Treasurer of San Joaquin County, and said Treasurer shall place the amount so received to the credit of the General Swamp Land Fund of San Joaquin County. The Controller is hereby directed to draw his warrant in favor of said Treasurer, for the balance in said fund, after the warrants have been redeemed.

Surplus moneys, how applied

SEC. 4. The Controller of State is hereby directed to draw his warrant upon the Swamp Land Fund in favor of the Treasurers of the following counties, for the following amounts, it being the amount paid in by the several counties mentioned, from the sale of swamp lands, and erroneously placed to the credit of the General Fund of the State: Alameda County, seven hundred seventy and seventy-five one-hundredths dollars; Butte County, three hundred forty-seven and fifty-four one-hundredths dollars; Colusa County, five hundred and two and fifty-one one-hundredths dollars; Contra Costa County, eleven hundred and twenty-

Controller to draw warrants in favor of certain counties

Controllor to draw warrants in favor of certain counties.

six and thirty-three one-hundredths dollars; Del Norte County, two hundred and thirty-two and eighty one-hundredths dollars; Fresno County, six hundred and thirty-six and thirty-two one-hundredths dollars; Humboldt County, fifteen hundred and twenty-six and eighty-six one-hundredths dollars; Merced County, four hundred and two and twenty-nine one-hundredths dollars; Napa County, three hundred and eighty-three and forty-eight one-hundredths dollars; San Francisco County, five hundred and twenty-nine and fifty-seven one-hundredths dollars; San Mateo County, one hundred and fourteen and fifty-one one-hundredths dollars; Santa Clara County, six hundred eighty-seven and ninety one-hundredths dollars; Shasta County, one hundred thirty-nine and sixty-eight one-hundredths dollars; Siskiyou County, three hundred seventeen and forty-four one-hundredths dollars; Sonoma County, five hundred fifty-seven and three one-hundredths dollars; Stanislaus County, seven hundred five and fifteen one-hundredths dollars; Tulare County, twenty-nine hundred seventy-six and ninety-three one-hundredths dollars. The Treasurers above mentioned shall place the amount received from the State to the credit of the General Swamp Land Fund of their respective counties. This Act shall not be so construed as to render the State of California liable for either the principal or interest of any bond or bonds issued or to be issued against or on behalf of any swamp land district in the State.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCCLXXVIII.—*An Act to amend an Act entitled "An Act to incorporate the City of Gilroy," approved March twelfth, one thousand eight hundred and seventy.*

[Approved April 1, 1876.]

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

Duties of City Treasurer

SECTION 1. Section forty-five of said Act is hereby amended so as to read as follows: Section 45. The City Treasurer, before entering upon the duties of his office, shall give such bonds as may be required of him by the Common Council; it shall be his duty, as City Treasurer, to receive and safely keep all moneys that shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which said receipts shall be filed with the Clerk of the Common Council; he shall pay out said money by order of the Common Council, on a warrant issued by the Mayor and countersigned by the Clerk, and shall perform such other duties as may be required of him by said Council; and for his compensation, said Treasurer shall be allowed a commission of one per cent. on all moneys paid out by him as such

Treasurer, from other than from the School Fund, and for which School Fund he shall receive no compensation. The Treasurer shall make quarterly settlements with the City Clerk, and file with the Common Council an abstract of the same.

SEC. 2. This Act shall take effect on the first Monday of May, A. D. one thousand eight hundred and seventy-six, and be in force from and after that day.

CHAP. CCCCLXXIX.—*An Act to repeal an Act to protect fish in the Counties of Plumas and Sierra.*

[Approved April 1, 1876.]

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

SECTION 1. An Act entitled "An Act to protect fish in the Counties of Plumas and Sierra," approved February twenty-four, eighteen hundred and seventy-four, is hereby repealed. Act repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXXX.—*An Act to authorize the Board of Supervisors of the County of Santa Cruz to arrange with the Santa Cruz Railroad Company to change its railroad so as to pass through the Town of Watsonville.*

[Approved April 1, 1876.]

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

SECTION 1. The Board of Supervisors of Santa Cruz County are hereby authorized to arrange with the Santa Cruz Railroad Company for a change of the line of its railroad from the westerly side of the Pajaro Valley to the Pajaro Depot, so that the line of said railroad shall pass through the Town of Watsonville. Authority to change line.

SEC. 2. This Act shall not be construed so as to authorize the Board of Supervisors of the County of Santa Cruz to incur any additional indebtedness on the part of said county by reason of this Act.

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

CHAP. CCCCLXXXI.—*An Act to authorize the erection and maintenance of a draw-bridge across Petaluma Creek, in the City of Petaluma.*

[Approved April 1, 1876.]

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

Trustees to erect draw-bridge.

SECTION 1. The Trustees of the City of Petaluma are hereby authorized to erect and maintain a draw-bridge across Petaluma Creek, in the City of Petaluma, at such point above D Street, in said city, as the said Board may elect. Said bridge, when erected, must contain a draw or turn-table, which shall, when drawn or turned, leave a space not less than forty feet for the passage of all vessels navigating said Petaluma Creek, in the deepest part thereof; *provided*, that in case of damage, if any, created by the erection and maintenance of said draw or turn-table bridge, by flowage or otherwise, shall be paid by said City of Petaluma; *and provided further*, that the entire cost and expense of erecting said bridge shall be paid by private subscription or otherwise, but no part of the cost or expense of said bridge shall be paid by or become a charge against the City of Petaluma.

City to appoint keeper, etc

SEC. 2. The City of Petaluma must keep the said bridge, when erected, in repair and in good working condition, and must keep a tender to open such bridge for the passage of all vessels desiring to pass the same, and to close the same when such vessels have passed. Said bridge must also contain guards to the approaches at either end, so as not to endanger the safe passage of teams and other conveyances over the same when closed, and must contain walks on either side for the free passage of persons on foot. No tolls must ever be collected of the owners of vessels passing through, or of vehicles passing over said bridge.

CHAP. CCCCLXXXII.—*An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma.*

[Approved April 1, 1876.]

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

Per diem and mileage of Supervisors.

SECTION 1. Section two of said Act is amended to read as follows: Section 2. The Supervisors, for all services required of them by law or by virtue of their office, shall be allowed six dollars per diem, and twenty cents per mile in traveling to and from the place of their residence to the Court-house; *provided*, that only one mileage must be allowed at each time; *and provided further*, that no Supervisor must

be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; *provided*, that in no case must the per diem and mileage of the Supervisors exceed five hundred dollars each in one year. The Supervisors must hold regular meetings quarterly, and special meetings may be held whenever a majority of the Board deem it for the best interest of the county. They must remain in session until all the business coming before them at that meeting is disposed of, or passed for action to the next regular meeting thereafter. No debt or liability must be created by the Board of Supervisors on any of the funds of the county or districts in excess of ten per cent. of the anticipated receipts from taxes for the following year; and such liability must be paid out of the first money paid into said funds.

Per diem
and mileage
of Super-
visors

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

CHAP. CCCCLXXXIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXXIV.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXXV.—*An Act to provide for the redemption of unused and uncanceled stamps of the State of California, heretofore sold*

[Approved April 1, 1876]

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

SECTION 1. There is appropriated, out of the General Fund in the State treasury, the sum of ten thousand five hundred and forty-five dollars and forty-one cents, with which to redeem unused and uncanceled State stamps heretofore sold by this State. The stamps for the redemption of which this appropriation is made, were issued by virtue of an Act entitled an Act to provide revenue for the government of this State, approved March ninth, eighteen hundred and sixty-one, and were required to be used by bankers on bills of exchange, drafts, orders, certificates, or any written evidence of deposit, or letters of credit, and by insurance companies on contracts or policies of insurance,

Appropriation to redeem State stamps

and are now held by the subjoined companies and firms in quantities as follows: The Bank of California, to the amount of four thousand five hundred forty-one dollars and seventy-three cents; by George C. Boardman, agent, to the amount of two thousand two hundred fifty-two dollars and eighty-eight cents; to the Swiss-American Bank, two hundred and eighty-three dollars; to the Germania and Hanover Fire Insurance Company, seventy-three dollars and eighty cents; to the State Investment Company, A. J. Bryant, agent, ninety-two dollars; to Grove L. Johnson, agent, three hundred and sixty dollars; to John Hutchinson, agent, three hundred and ninety dollars; to U. P. Colman [W. P. Coleman], agent, two hundred and ninety dollars; to Sacramento Savings Bank, four hundred and sixty-two dollars; to Capital Savings Bank, three hundred and four dollars; to Sweetser & Alsip, agents, two hundred and forty-six dollars; to D. O. Mills & Co., Sacramento, eighty dollars; to Wells, Fargo & Co., five hundred and forty-five dollars; to Commercial Union Assurance Company, four hundred dollars; and Edwin Lewis, agent of the Craftsmen's Life Assurance Company, two hundred and twenty-five dollars.

Controller
to issue
certificates.

SEC. 2. The above holders of the unused and uncanceled stamps described in section one of this Act, may present the same to the Controller of State for redemption, who must examine such as are presented, and if satisfied that they are genuine and that they have not been used, must receive such stamps and issue to the depositors thereof certificates for the amounts paid to the State for such uncanceled stamps.

Board of Ex-
aminers to
audit claims.

SEC. 3. The Board of Examiners must, on presentation to them of the certificates provided for in the preceding section, examine the same, and on being satisfied that the stamps which were sold by the State, and were not used, and that the certificates correctly represent the amounts received by the State for such stamps, must audit and allow the same, and certify their action thereon to the Controller. The Controller, thereon, must draw his warrants on the State Treasurer for the amounts of said certificates so audited and allowed by the Board of Examiners, in favor of the holders thereof, or their assigns, and must deliver such warrants to the holders of such certificates, or their assigns, on the surrender of said certificates. The Treasurer must pay such warrants out of the money appropriated in section one of this Act.

Controller
to draw
warrants.

SEC. 4. The Controller must destroy all stamps deposited with him under the provisions of this Act.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCCLXXXVII.—*An Act concerning corporations and persons engaged in the business of banking.*

[Approved April 1, 1876.]

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

SECTION 1. Every corporation and all persons and every person hereafter doing a banking business in this State shall, in January and July of every year, publish in at least one newspaper published in the county in which the principal office of such corporation may be situated, or in which said persons or person may reside, and also file for record, in the Recorder's office of said county, a sworn statement, verified, in the case of any such corporation, by its President or Manager, and by its Secretary or Cashier, and in the case of any such individual or individuals, by him or them, of the amount of capital actually paid into such corporation, or into such banking business; *provided*, that nothing shall be deemed capital actually paid in except money bona fide paid into the treasury of such bank, and under no circumstances shall the promissory note, check, or other obligation of any Director or stockholder, or of the proprietors or proprietor of any such bank, be treated, computed, or in any manner considered any part of such actually paid in capital. If no newspaper of general circulation be published in the aforementioned county, then and in that case such publication of said statement shall be made in at least one newspaper of general circulation published in the City and County of San Francisco, and in one newspaper of general circulation published in the City and County of Sacramento.

Banks to publish semi-annual statements.

SEC. 2. Every corporation and all persons and every person hereafter doing a banking business in this State shall likewise publish in such newspaper or newspapers, and shall also file for record, in the Recorder's office of said county, in January and July of each year, a like sworn statement of the actual condition and value of its assets and liabilities, and where said assets are situated.

Assets and liabilities to be described.

SEC. 3. The Directors of every such corporation which shall publish or file for record, as aforesaid, a false statement of the amount of capital actually and bona fide paid into such corporation, or a false statement of the actual condition and value of its assets and liabilities, or as to where said assets are situated, shall be jointly and severally liable to any person thereafter dealing with such corporation to the full extent of such dealing; and no corporation, and no person or persons who fail to comply with the provisions or any of the provisions of this law, shall maintain or prosecute any action or proceeding in any of the Courts of this State until they shall have first duly filed the statements herein provided for, and in all other respects complied with the provisions of this law; nor shall any assignee or assignees of any such corporation or person whose assignment shall be made subsequent to any such failure to comply with the

Liability for banking false statement.

provisions of this law, maintain any action or proceeding in any Court of this State until his or their assignor or assignors shall have first duly complied with the provisions of this law.

Foreign
banking
corporations

SEC. 4. Where any of such banking corporations shall be foreign, the statements hereinbefore provided for shall be verified by the agent or manager of the business of such corporation resident in this State, who shall be subject to the same liabilities herein provided as against Directors of any such banking corporation, and also as against every such bank officer.

Recorder to
keep records.

SEC. 5. The Recorder of each county of this State shall keep two sets of well-bound books for the record of the sworn statements herein provided for, respectively, one of which sets of books shall be labeled "Statements of Banking Capital," and the other, "Statements of Banking Assets," and said Recorder shall, upon the payment of his fees for the same, record separately said respective sworn statements in its appropriate book, and shall keep a separate index of each of said sets of books. Said original sworn statements need not be acknowledged in order to be recorded as aforesaid, but must be verified as aforesaid before some Judge or officer of this State authorized to take affidavits to be used before any Court in this State, and shall always remain and be kept on file in the office of said Recorder.

Fees of
Recorder.

SEC. 6. The Recorder of every county in this State shall receive, for recording any of the sworn statements herein provided for, for every folio, twenty-five cents; and for noting on any such sworn statement the time when and the place where recorded, twenty-five cents; and for certified copies of such sworn statements, to which any one paying for the same shall be entitled, twenty-five cents per folio.

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

CHAP. CCCCLXXXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCLXXXIX.—*An Act to amend an Act entitled "An Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty," approved March twenty-first, eighteen hundred and seventy-two.*

[Approved April 1, 1876.]

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

[SECTION 1.] Section one of said Act is hereby amended so as to read as follows: Section 2. At the time and place ap-

pointed by said notice, those claiming to be shareholders who shall assemble, shall proceed to organize by the appointment of a Chairman and Secretary, and thereupon those claiming to be shareholders shall present proof thereof, and only those showing a right to vote shall take part in the further proceedings. If it appears that at the time appointed, or within one hour thereafter, shareholders of less than one-half the shares are present, no further proceedings shall be had; but the meeting shall be *ipso facto* dissolved; *provided, however*, that by a vote of the holders of the majority of the capital stock of the corporations aforesaid, the Board of Trustees may be required to furnish to the meeting a written detailed statement and account of the affairs, business, and property of the corporation, but if the holders of a majority of the shares are present they shall proceed to vote, the Secretary calling the roll, and the members voting yea or no, as the case may be. The Secretary shall enter the same upon his list, and when he has added up the list and stated the result, he shall sign the same and hand it to the Chairman, who shall sign the same and declare the result.

Trustees to
furnish
statement to
share-
holders.

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

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

CHAP. CCCCXC.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXCI.—*An Act to create an irrigation district, to be called the West Side Irrigation District.*

[Approved April 3, 1876.]

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

SECTION 1. All that certain territory situated in the Counties of Contra Costa, Alameda, San Joaquin, Stanislaus, Merced, Fresno, and Tulare, and bounded as follows, viz: On the west by a line commencing at the point of intersection of the main canal hereinafter mentioned with the westerly shore of Tulare Lake; running thence northwesterly along the foothills of the Diablo range of mountains, on the westerly bank of said canal, as finally located, to its intersection with the shore of Suisun Bay, at or near Antioch; and northerly and easterly by a line commencing at said point of intersection on said bay, and running thence southerly and easterly along the segregation line between the swamp and overflowed lands and high lands lying westerly from the San Joaquin, Fresno Slough, and King's River, to a point

Boundaries
of district.

about twelve miles westerly of Lake Tulare; thence westerly to the east bank of said canal, as finally located; and thence easterly along said east bank to Tulare Lake, the place of beginning, is hereby created an irrigation district, to be called the West Side Irrigation District, for the purpose of providing for the irrigation of the land lying in said district, and furnishing the means of transportation, by a canal to be constructed from Tulare Lake on the south, and extending northerly along the foothills of the Diablo range of mountains to a point on the south shore of Suisun Bay. Said district shall consist of five divisions: The portion thereof within the County of Contra Costa shall constitute the first division; the portion within the Counties of San Joaquin and Alameda, the second division; the portion within the County of Stanislaus, the third division; the portion within the County of Merced, the fourth division; and the portion south of Merced County, the fifth division.

Five divisions.

Governor to appoint Commissioners.

Oath of office.

Office at Grayson.

Commissioners to locate canal.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint five Commissioners, one of whom shall be a resident of each division of said district, to perform the duties herein prescribed until their successors are elected and qualified. They shall each forthwith take and subscribe the official oath, and file the same in the office of the Secretary of State. They shall meet at Grayson, in the County of Stanislaus, at which place the offices of all the officers elected under this Act shall be kept, organize as a Board, which shall be called Board of Commissioners of the "West Side Irrigation District," elect a President from their number, and appoint a Secretary, adopt a seal, and shall keep a record of their proceedings. The Board shall then proceed to locate said canal on the best practicable line from a point to be selected by the Board, on the west shore of Tulare Lake, along the foothills of the Diablo range of mountains, to some point on the south shore of Suisun Bay, and shall retain a map of such location in their office, and file a copy in the office of the Secretary of State. In locating the canal, the Board may employ engineers, who shall survey and plat on said map the exterior lines of the district and the exterior lines of the several divisions of the district.

Election for District Assessor, Tax Collector, Treasurer, and Commissioners.

When special election.

Term of office

SEC. 3. An election shall be held in the district on the first Tuesday in May, eighteen hundred and seventy-seven, and on the first Tuesday in May of each second year thereafter, at which an Assessor, a Tax Collector, and a Treasurer, and five Commissioners for the district shall be elected. Not more than one of said Commissioners shall be a resident of the same subdivision of said irrigation district. The qualified electors of said district may vote at all district elections in the division where they reside. The person receiving the highest number of votes for any office to be filled at such election, is elected thereto. If at any election two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill the office must be ordered by the Board of Commissioners. Said officers shall serve for one year from the first Tuesday in June succeeding their election, and until their successors are

elected and qualified. Within ten days after receiving their certificates of election, hereinafter provided for, they shall take and subscribe the official oath, and file the same in the office of the Board of Commissioners. Officers elected at special elections shall hold their office until the next regular election, and until their successors are elected and qualified. The Assessor shall execute an official bond in the sum of ten thousand dollars, and the Tax Collector an official bond in the sum of fifteen thousand dollars, and the District Treasurer an official bond in the sum of fifty thousand dollars, to be approved by the Board of Commissioners; and each of said Commissioners shall execute an official bond, with at least two sufficient sureties, in the sum of at least twenty-five thousand dollars each, which said bond shall be approved by the Governor and filed in the office of the Secretary of State. Said bonds shall be in the form prescribed by law for the official bonds of county officers; *provided*, that the first election shall be held within sixty days after the passage of this Act, and the officers elected at such election shall qualify within ten days after receiving their certificates of election, and shall hold their office until their successors are elected and qualified; *and provided*, that at said first election the ballots shall contain, in addition to the names of the persons to be voted for, the words "Tax—Yes," or "Tax—No." If a majority of those voting on the question of said tax vote "Tax—No," the Board of Commissioners shall so proclaim it, and no further proceedings shall be had under this Act; but if a majority of those so voting shall vote "Tax—Yes," this Act shall be deemed to have been accepted by the people of said district, and the Board of Commissioners shall proceed as herein provided.

Official bonds.

Approved by Governor.

First election sixty days after passage of Act.

Form of ballots

Sec. 4. The Board of Commissioners must establish a convenient number of elective precincts in each division of the district, and define the boundaries thereof, and may from time to time change the boundaries of, create new, or consolidate established precincts.

Election precincts.

Sec. 5. Fifteen days before any election held under this Act, the Secretary of the Board of Commissioners shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same, specifying the polling-places of each precinct, in the office of the Board. Prior to the time for posting the notices, the Board must appoint for each precinct, from the electors thereof, one Inspector and two Judges, who shall constitute a Board of Election for such precinct. If the Board fail to appoint a Board of Election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint the Board, or supply the place of an absent member thereof. The Board must, in its order appointing Boards of Election, designate the house or place within the precinct where the election must be held.

Notice of election.

Board of Election.

Sec. 6. The Inspector is Chairman of the Election Board, and may :

Duties of Inspector.

First—Administer all oaths required in the progress of an election.

Second—Appoint Judges and Clerks, if, during the progress of the election, any Judge or Clerk ceases to act.

Oaths, by whom administered.

Any member of the Board, or any Clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The Board of Election for each precinct must, before opening the polls, appoint two persons to act as Clerks of Election. Before opening the polls, each member of the Board and each Clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at one hour after sunrise on the morning of the election, and must be kept open until sunset, when the same must be closed. The provisions of the Political Code concerning the registration of electors, and the form of ballots to be used at elections, shall not apply to elections held under this Act.

Polls, when opened and closed.

Political Code to apply.

SEC. 7. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable in accordance with the provisions of Chapter Nine of Title Two of Part Three of the Political Code of this State. As soon as the polls are closed, the Judges shall open the ballot-box and commence counting the votes; and in no case shall the ballot-box be removed from the room in which the election is held until all the ballots are counted. The counting of ballots shall in all cases be public. The ballots shall be taken out one by one by the Inspector or one of the Judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for. Each Clerk shall write down each office to be filled and the name of each person voted for for such office, and shall keep the number of votes by tallies, as they are read aloud by the Inspector or Judge. The counting of votes shall be continued without adjournment until all are counted.

Counting of votes.

Election returns.

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at the full length. Each certificate shall be signed by the Clerks, the Judges, and the Inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the Inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the Inspector, during the counting of the ballots, in the order in which they are entered upon the tally list by the Clerks; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the Inspector in the presence of the Judges and Clerks, and indorsed "Election Returns," and

Ballots to be strung.

be directed and delivered or sent by the Inspector to the Secretary of the Board of Commissioners, and the ballots shall be kept for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the Board to open the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

SEC. 9. No list, tally paper, or certificate returned from any election must be set aside or rejected for want of form, if it can be satisfactorily understood. The Board of Commissioners must meet at its usual place of meeting on the first Monday after each election, to canvass the returns. If, at the time of meeting, the returns from each precinct in the district 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 day to day until all the returns are received, or until six postponements have been had. The canvass must be made in public, and by opening the returns and estimating the vote of the district or division, for each person voted for, and declaring the result thereof.

Commissioners to canvass returns.

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

Secretary's statement.

First—The whole number of votes cast in the district.

Second—The names of the persons voted for.

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

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

Fifth—The number of votes given in the district to each of such persons.

The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of the district, or of a division thereof. The Secretary must immediately make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the Board. In case of a vacancy in the office of Assessor, Tax Collector, Treasurer, or Commissioner, the Board must order a special election to fill such vacancy. Notice of such election must be given in the same manner as is provided for regular elections, and the officer so elected shall hold his office until the next regular election, and until his successor is elected and qualified.

Certificates of election.

Vacancies how filled.

SEC. 11. On the first Tuesday in June ensuing their election the Commissioners shall meet and organize as a Board, elect a President from their number, and appoint a Secretary. The Board must manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers, and employés as may be required, and prescribe their duties, fix the rates of toll on the canal, the price of water for irrigation and other purposes, establish equitable by-laws, rules, [and] regulations for the distribution and use of water among owners of said lands, and generally perform all such acts as shall be

When Board to organize.

Powers and duties.

Rules and regulations to be printed.	<p>necessary to fully carry out the objects and purposes of this Act. The said by-laws, rules, and regulations, rates of toll, and price of water for irrigation and other uses, must be printed in convenient form for distribution in the district; <i>provided</i>, that the Commissioners elected at the first election shall meet and organize as a Board, elect a President from their number, and appoint a Secretary, within ten days after receiving their certificate of election.</p>
Board to organize after first election.	<p>SEC. 12. The Board shall hold a regular monthly meeting, in their office, on the first Tuesday of each month. Three members of the Board shall constitute a quorum for business, but on all questions requiring a vote there shall be a concurrence of three members of said Board. All records of the Board shall be open to the inspection of any elector during business hours. The Board shall have the right to enter upon any land in the district to make surveys, and may locate said canal and the necessary branches of the same on any of said lands which may be deemed best for such location. It shall also have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>
Monthly meetings.	<p>SEC. 13. The legal title to all property acquired under the provisions of this Act shall immediately, and by operation of law, vest in the State of California, and shall be held by said State in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this Act. And said Board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided. And said Board is fully authorized and empowered to use the name of the State of California in any action or proceeding, and to institute, carry on, and maintain, in the name of said Board, any action or proceeding which could be instituted, maintained, or carried on by said State in regard to said property; and in any such action or proceeding brought in the name of said Board of Commissioners, the same shall proceed and be determined, in all respects, as though said Board were the legal owner of said property; <i>provided</i>, that in no case shall the State become liable for any cost incurred in such actions. In no event shall the State of California be liable or in any way responsible for any debt or liability incurred by the irrigation district herein provided for.</p>
Right to enter on land.	<p>SEC. 14. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property</p>
To acquire land, water, etc.	<p>SEC. 15. The Board shall have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>
Condemnation of land. Political Code to apply. Title to property, how vested.	<p>SEC. 16. The Board shall have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>
Name of State, used in actions.	<p>SEC. 17. The Board shall have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>
State not liable for debts of district.	<p>SEC. 18. The Board shall have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>
Conveyances in name of State.	<p>SEC. 19. The Board shall have the right to acquire all lands, waters, and other property necessary for the construction, use, supply, maintenance, repair, and improvement of said canal and works, including canals and works constructed and being constructed, lands for reservoir, tide or branch canals, wharves, docks, and basins, and other works necessary for the protection and accommodation of boats navigating the canal, and for ways for the discharge or use of surplus water, either by purchase or condemnation; and in case of purchase the bonds of the district, hereinafter mentioned, may be used at their par value in payment; and in case of condemnation, the Board shall proceed under the provisions of Title Seven of Part Three of the Code of Civil Procedure.</p>

acquired by it under the provisions of this Act, in the name of the State of California, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper, in order to fully carry out the provisions of this Act, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this Act or acquired in pursuance thereof; and in all Courts, actions, suits, or proceedings, the said Board may sue, appear, and defend in person, or by attorneys, and by the name and style of Board of Commissioners of the West Side Irrigation District.

Board to maintain actions.

SEC. 15. The Board may construct the necessary dams, reservoirs, and works, to collect water for said district, and for the purposes specified in this Act; and one thousand cubic feet per second of the water of Tulare Lake, and fifty cubic feet per second of the water of the San Joaquin River, and as much more of the water of said San Joaquin River as may not at any time be otherwise appropriated, and the right to take, direct, and use the same for said purpose, is hereby granted, dedicated, and set apart, and said Board is hereby authorized to apply to the Congress of the United States for a grant, and for the passage of a law confirming to the State of California, for the purposes aforesaid, all the rights, and privileges, and property mentioned in this Act; *provided, however,* that nothing in this Act contained shall be construed so as to interfere with any vested water right already acquired by any person or persons, natural or artificial, or any appropriations already made for any water of Tulare Lake or of the San Joaquin River.

Additional powers of Commissioners.

Water, granted for district

Congress requested to grant rights, etc

Vested rights protected.

SEC. 16. For the purpose of constructing said canal and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the Board of Commissioners is hereby authorized to issue and sell the bonds of said district for an amount not exceeding the sum of four million dollars, payable in twenty years, in gold coin of the United States, bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the Treasurer of the State of California. Said bonds shall each be payable in the sum of five hundred dollars, shall be signed by the President and Secretary, and the seal of the Board shall be affixed thereto. They shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the Secretary. Said bonds shall express on their face that they are issued by authority of this Act, stating its title and date of approval.

Commissioners to issue bonds

Four million dollars

Bonds, where payable.

SEC. 17. The Secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser; *provided,* that nothing in this Act shall be so construed as to render the State liable for the payment of said bonds.

State not liable.

SEC. 18. The Board may sell said bonds from time to time,

Site of bonds.

in such quantities as may be necessary to raise money for the construction of said canal and works, the acquisition of said property and rights, and otherwise to fully to carry out the objects and purposes of this Act. Before making any sale the Board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds, and the day, and hour, and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given by publication thereof, at least twenty days, in a daily newspaper published in each of the Cities of San Francisco, Sacramento, and Stockton, and in any other newspaper at their discretion. The notice shall state that sealed proposals will be received by the Board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the Board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder, and may reject all bids. The Board may sell bonds at not less than their par value, without notice as herein provided; *provided*, that no bonds shall be sold for a less sum than ninety cents on the dollar. The proceeds of the sale of bonds, to be called the "Construction Fund," shall be deposited with and be safely kept with the Treasurer of the State, and paid out only as hereinafter provided, but the State shall not be liable for the payment of any of said bonds, but the first five hundred thousand dollars of said bonds may be sold at a sum not less than seventy-five cents on the dollar.

Notice of sale to be published.

Bonds to be sold not less than ninety per cent.

Construction Fund.

Tax to pay bonds.

SEC. 19. Said bonds and the interest thereon shall be paid by a revenue derived from an annual tax upon the property in the district, and all the property in the district shall be and remain liable to be taxed for such payment as hereinafter provided.

Assessment, when made.

SEC. 20. The Assessor must, between the first Monday in March and the first Monday in June, in each year, ascertain the names of all taxable inhabitants and all property in the district subject to taxation, and must assess such property to the persons who own, claim, have the possession or control thereof, at its full cash value. He must prepare an assessment book, with appropriate headings, in which must be listed all property within the district, in which must be specified, in separate columns, under the appropriate head; *provided*, that for the year eighteen hundred and seventy-six the Assessor shall have until the first Monday in July in which to make the assessment:

Assessment book.

First—The name of the person to whom the property is assessed. If the name is not known to the Assessor, the property shall be assessed to "unknown owners."

Second—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, locality, and the improvements thereon.

Third—City and town lots, naming the city or town, and the number, block, according to the system of numbering in such city or town, and improvements thereon.

Fourth—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.

Fifth—The cash value of real estate, other than city or town lots.

Sixth—The cash value of improvements on such real estate.

Seventh—The cash value of city and town lots.

Eighth—The cash value of improvements on city and town lots.

Ninth—The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Tenth—The cash value of all personal property, exclusive of money.

Eleventh—Amount of money.

Twelfth—The total value of all property.

Thirteenth—The total value of all property after equalization by the Board of Commissioners.

Fourteenth—Such other things as the Board of Commissioners may require.

SEC. 21. The Board of Commissioners must allow the Assessor so many deputies, to be appointed by him, as will, in the judgment of the Board, enable him to complete the assessment within the time herein prescribed. The Board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed five dollars per day for each deputy, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August of each year.

Deputy Assessors' salaries.

SEC. 22. On or before the first Monday in August in each year the Assessor must complete his assessment book, and deliver it to the Secretary of the Board, who must immediately give notice thereof, and of the time the Board of Commissioners, acting as a Board of Equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and, in the meantime, the assessment book must remain in the office of the Secretary for the inspection of all persons interested.

Commissioners to sit as Board of Equalization Notice thereof.

SEC. 23. Upon the day specified in the notice required by the preceding section for the meeting, the Board of Commissioners, which is hereby constituted a Board of Equalization for that purpose, shall meet and continue in session from day to day, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the Board may change the valuation, as may be just. The Secretary of the Board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the Board, extended into columns, and added up.

When Board to meet.

Secretary to add up values

Board of Commissioners to levy tax.

SEC. 24. The Board of Commissioners shall then levy a tax sufficient to raise the annual interest on the outstanding bonds; and at the expiration of ten years after the issuing of the bonds by the Board must increase said tax, for the ensuing ten years, in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent.; for the twelfth year, six per cent.; for the thirteenth year, seven per cent.; for the fourteenth year, eight per cent.; for the fifteenth year, nine per cent.; for the sixteenth year, ten per cent.; for the seventeenth year, eleven per cent.; for the eighteenth year, thirteen per cent.; for the nineteenth year, fifteen per cent.; and for the twentieth year, a percentage sufficient to pay off said bonds. The Secretary of the Board must compute, and enter in a separate money column in the assessment book, the respective sums in dollars and cents to be paid as a tax on the property therein enumerated. When collected, the tax shall be paid into the State treasury, and shall constitute a special fund, to be called the "Bond Fund of the West Side Irrigation District."

Secretary to compute taxes due.

Bond Fund.

Tax a lien on property.

SEC. 25. The tax due upon real property is a lien against the property assessed, and the tax due upon the personal property is a lien upon the real property of the owner thereof, from and after the time the same becomes delinquent; and such lien is not removed until the taxes are paid, or the property sold for the payment thereof.

Assessment book delivered to Collector.

When tax delinquent

SEC. 26. On or before the first day of November, the Secretary must deliver the assessment book to the Tax Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, that said taxes are due and payable, and will become delinquent on the thirty-first day of December next thereafter; and that unless paid prior thereto, three per cent. will be added to the amount thereof, and also the time and place at which payment of taxes may be made. The notice shall also specify a time and place, within each division of the district, when and where the Collector will attend to receive payment of taxes, and shall be published for fifteen days, and printed copies of said notice shall be posted for the same time in three public places in each division. The Tax Collector must attend at the time and place specified in the notice, to receive taxes, which must be paid in gold and silver coin; he must mark the date of the payment of any tax in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the tax paid, with a description of the property assessed. On the thirty-first of December of each year all unpaid taxes are delinquent, and thereafter the Tax Collector must collect thereon, for the use of the district, an addition of three per cent.

Publication of delinquent list.

SEC. 27. On or before the first day of February, 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 the taxes and costs due, opposite each name and description, with the taxes due on

personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. He 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 at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the Tax Collector, in the subdivision in which the property is situated.

Notice that property will be sold.

Time of sale.

SEC. 28. The Collector must collect, in addition to the taxes due on the delinquent list, and three per cent. added thereto, fifty cents on each lot, piece, or tract of land, separately assessed, and on each assessment of personal property, one-half of which must go to the district, and the other to the Collector, in full for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the Collector, between the hours of ten o'clock A. M. and three P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day; but the sale must be completed within three weeks from the day first fixed.

Percentages added to taxes.

Order of sale.

SEC. 29. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing, to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including two dollars to the Collector for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the taxes and costs before ten o'clock A. M. the following day, the property, on next sale day, before the regular sale, must be resold for the taxes and costs. After receiving the amount of the taxes and costs, the Collector must make out, in duplicate, a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and the year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificates must be signed by the Collector, and one copy delivered to the purchaser and the other filed in the office of the County Recorder.

Owner may designate portions of land to be sold

Least quantity to be sold.

Certificate of sale.

SEC. 30. The Collector, before delivering any certificate, must, in a book, enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid; regularly number

Book kept by Collector.

the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with the County Recorder the lien of the tax vests in the purchaser, and is only divested by the payment to him, or to the Tax Collector, for his use, of the purchase money and two per cent. per month from the day of sale until redemption.

When lien
of tax
attaches.

Redemption
of property
sold.

Certificate to
be filed

Deed, when
made.

Fees for
deed

Dwts, con-
tents of.
Prima facie
evidence,
of what.

What deed
conveys.

SEC. 31. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of State and county taxes, and when made to the Collector, he must credit the amount paid to the person named in the certificate, and pay it on demand to the person or his assignees. In each report the Collector makes to the Board of Commissioners, he must name the person entitled to redemption money, and the amount due to each. On receiving the certificate of sale, the County Recorder must file it, and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate, or of the Collector, for his use, of the total amount of the redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale, the Collector, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The Collector shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 32. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged or proved, is prima facie evidence that:

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all of the proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands 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.

SEC. 33. The assessment book or delinquent list, or a copy thereof, certified by the Tax Collector, 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 the law in relation to the assessment and levy of such taxes have been complied with.

Assessment book. Prima facie evidence.

SEC. 34. The Tax Collector may, after the first Monday in February of each year, collect the tax due on personal property, except when the real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent. The sale must be at public auction, and of a sufficient amount to pay the taxes, percentage, and costs. The sale must be made after one week's notice of the time and place thereof, given by posting in three public places. For seizing or selling personal property the Tax Collector may charge, in each case, the sum of three dollars, for the benefit of the district, and mileage at the rate of twenty cents per mile. On payment of the price bid for any property sold, the delivery thereof, with a bill of sale, vests the title thereto in the purchaser. All excess over the taxes, per cent., and costs, of the proceedings of any such sale, must be returned to the owner of the property sold, and until claimed must be deposited in the treasury of the district, subject to the order of the owner, his heirs or assigns. The unsold portion of any property may be left at the place of sale at the risk of the owner.

Tax on personal property collected by sale of property.

Fees of Collector

Unsold property

SEC. 35. Interest at the rate of one per cent. per month must be collected on all delinquent taxes from the time they were first delinquent until paid. When land is sold for taxes correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Interest on delinquent taxes.

SEC. 36. On the first Monday in each month the Tax Collector must settle with the Secretary of the Board for all moneys collected for taxes, and pay the same over to the State Treasurer; and within six days thereafter he must deliver to, and file in the office of, the Secretary, a statement under oath, showing:

Tax Collector to settle with Secretary. To pay moneys to State Treasurer

First—An account of all his transactions and receipts since his last settlement.

Second—That all money collected by him as Tax Collector has been paid.

The Tax Collector shall also file in the office of the Secretary the receipt of the State Treasurer for the money so paid.

SEC. 37. Upon presentation of the coupons due to the State Treasurer he shall pay the same from said Bond Fund. Whenever, after ten years from the issue of said bonds, said fund shall amount to the sum of ten thousand dollars, the Board of Commissioners may direct the State Treasurer to pay such an amount of said bonds as the money in said fund will redeem, at the lowest value at which they may be offered

State Treasurer to redeem bonds and pay interest.

for liquidation, after advertising for three weeks in some daily newspaper published in the City and County of San Francisco and State Capital, for sealed proposals for the redemption of said bonds. Said proposals to be opened by the Board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds shall be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest-numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided, said money shall be invested by the State Treasurer, under the direction of the Board, in United States gold interest-bearing bonds, or the bonds of the State, which shall be kept in said Bond Fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

Bonds not redeemed; money invested

Proposals for constructing canal.

Plans and specifications

Contractor, to give bond.

Claims, how paid

SEC. 38. After adopting a plan of said canal and works, divided into convenient sections, the Board of Commissioners shall give notice, by publication thereof not less than twenty days, in one newspaper published in each of the counties comprising the district, and in such other newspapers as they may deem advisable, calling for bids for the construction of each separate section of the work, including the furnishing of any material required therefor, and 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 proposals, which, at the time and place appointed, shall be opened in public; and, as soon as convenient thereafter, the Board shall let said work, either in sections or as a whole, to the lowest responsible bidder, or they may reject any or all bids, and readvertise for proposals, or may proceed to construct the work under their own superintendence, with the labor of the residents of the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person 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 the State of California, for the use of said district, for one-fourth 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 Chief Engineer, and be approved by the Board.

SEC. 39. No claim shall be paid by the State or District Treasurer until allowed by the Board, and only upon a warrant signed by the President, and countersigned by the Secretary; *provided*, that the Board may draw, from time to time, from the Construction Fund, and deposit in the district treasury, such sums as shall be required to meet the current expenses of said canal and works; but there shall not be at any time more than fifty thousand dollars in the district treasury. The Board shall, at each regular meeting, ascertain the amount of money in the treasury of the district, and estimate, as near as may be, the amount required to meet all warrants to be presented before the next regular meeting, and shall then order the surplus, if any, to be paid

to the State Treasurer; and said surplus shall be placed by him to the credit of the Bond Fund of the district. The Treasurer of the district shall report, in writing, to the Board each month, the amount of money in the treasury, the amount of receipts for the month, and the amount and items of expenditures. Said report shall be filed with the Secretary of the Board.

District Treasurer to report amount in treasury.

Sec. 40. The cost and expense of purchasing and acquiring property, and constructing the works and improvements herein provided for, shall be wholly paid out of the Construction Fund. From time to time, as portions of said work are so completed as to be put into convenient operation and use, the water mentioned in this Act shall be first applied to purposes of irrigation; and in making such application the Commissioners shall allow to the owners or possessors of all irrigable lands within the district such quantities of such water as shall be fair, equitable, and in proportion to their needs and requirements as such land owners or possessors.

Costs and expenses paid out Construction Fund.

Waters, how used.

All water not needed for irrigation, or which can be applied to other purposes without interfering with or preventing the complete irrigation of all irrigable land in the district for which water is applied, shall be used for and applied to purposes of transportation, navigation, and such other purposes as the Commissioners may direct; and whenever it can be done, without failing to accommodate the necessities and requirements of irrigation, and navigation, and transportation, the Commissioners may sell the use of said water for manufacturing or other purposes. The Board may fix the rates of tolls and charges, and collect the same from all persons using said canal or works for transportation, irrigation, and other purposes, subject, however, to the power of the Legislature to change, alter, or modify such water rates, tolls, and charges. The proceeds of all collections made for tolls or charges made for water used for any other purposes than irrigation shall be deposited in the district treasury, and be applied: first, to the payment of the expenses of the care, operation, management, repair, and improvement of such portions of said canal and works as are completed and in use, including salaries of officers and employes; second, to the payment of the interest on said bonds; and third, to the payment of the principal of the bonds. If said proceeds be insufficient to pay said expenses of care, operation, management, repair, and improvement, the Board of Commissioners may collect from persons using said water for irrigation such rates and charges as will suffice to pay said deficiency, charging each person benefited, as near as practicable, equally and uniformly, according to the water used; but shall, as near as practicable, only collect from irrigators sufficient revenue to pay said deficiency; and from time to time, as it deems best, the Board shall fix the amount of said charges upon irrigators, so as to raise only the revenue aforesaid.

Irrigation.

Transportation.

Manufacturing. Board to fix tolls, etc.

Proceeds from sales of water

Deficiency of proceeds, how supplied.

Sec. 41. The Board of Commissioners shall have power to construct the said works across any stream of water, water-course, bay, street, avenue, or highway, railway, canal, ditch,

Crossing railroads, canals, etc.

or flume, which the route of said canal shall intersect or cross, in such manner as to afford security for life and property; but said Commissioners shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said Commissioners in forming said intersections and crossings, and grant the privilege aforesaid; and if such railroad company and said Commissioners, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of lands. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the swamp and overflowed lands belonging to this State, or any other lands which are now or may be the property of this State; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district, necessary for said purposes.

Railroad company to grant privileges.

Damages, how determined.

Right of way given.

Officers' salaries.

SEC. 42. The Commissioners shall each receive four dollars per day, and mileage at the rate of twenty cents per mile, in attending meetings, and actual expenses paid while engaged in official business under the order of the Board. The Assessor shall receive a salary of twelve hundred dollars per annum; and the Tax Collector shall receive a salary of fifteen hundred dollars per annum for his services as Tax Collector, and the Treasurer shall receive one thousand dollars per annum, to be paid out of the treasury of the district.

Misdemeanor to damage canal, etc.

SEC. 43. The cutting or willful damage of any canal, ditch, or other works of the district, or unauthorized taking of water therefrom, or the drainage of cess-pools or other filth into such canal, ditch, or other works, is hereby declared to be a misdemeanor, punishable by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the County Jail not less than five nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the Court.

Felony officer interested in contract.

SEC. 44. If any Commissioner, or any other officer holding office under and by virtue of this Act, shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the Board, or in the profits to be derived therefrom, he shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by imprisonment in the State Prison for a period of not less than one year nor more than five years.

Extent of liability to be incurred.

SEC. 45. In case the tax is voted, as provided in this Act, to facilitate the organization of the district the Board of Commissioners are hereby authorized and empowered to borrow upon the credit of the district a sum not exceeding ten thousand dollars, to be repaid out of any money realized

from the first sale of bonds. The Commissioners and officers of the irrigation district herein provided for shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the bonds in this Act provided for; and any debt or liability in excess of said amount shall be and remain absolutely void.

SEC. 46. No Chinese labor shall be employed in the construction of any canal or ditch provided for in this Act. Chinese labor.

SEC. 47. This Act shall take effect from and after its passage.

CHAP. CCCCXCII.—*An Act making appropriations for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal year.*

[Approved April 3, 1876.]

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

SECTION 1. The following sums of money are hereby appropriated, out of money in the State treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the government of the State of California for the twenty-eighth and twenty-ninth fiscal years: Appropriations for the State government.

For per diem and mileage of Lieutenant-Governor and Senators, fifty-two thousand dollars. Legislative

For per diem and mileage of Assemblymen, one hundred and two thousand dollars.

For pay of officers and clerks of the Senate, thirteen thousand (13,000) dollars.

For pay of officers and clerks of the Assembly, fourteen thousand five hundred dollars.

For contingent expenses of the Senate, twenty thousand dollars.

For contingent expenses of the Assembly, twenty-five thousand dollars.

For salary of Governor, fourteen thousand dollars.

Office of Governor.

For special contingent fund for Governor's office (secret service), five thousand dollars.

For salary of Private Secretary of the Governor, four thousand eight hundred dollars.

For salary of Executive Clerk, four thousand eight hundred dollars.

For pay of Porter in office of Governor, twelve hundred dollars.

For postage, expressage, and telegraphing in office of Governor, one thousand dollars.

For salary of Secretary of State, eight thousand dollars.

Secretary of State.

For salary of Deputy Secretary of State, four thousand eight hundred dollars.

For salaries of Clerks in office of Secretary of State, seventeen thousand seven hundred dollars.

For pay of Porter in the office of Secretary of State, three hundred dollars.

For contingent expenses of Secretary of State, two hundred dollars.

For postage, expressage, and telegraphing in office of Secretary of State, two thousand eight hundred dollars.

Controller.

For salary of Controller, eight thousand dollars.

For salary of Deputy Controller, six thousand dollars.

For salary of Book-keeper for the Controller, four thousand eight hundred dollars.

For salaries of Clerks in office of Controller, eighteen thousand dollars.

For pay of Porter in office of Controller of State, six hundred dollars.

For contingent expenses in office of Controller of State, two hundred dollars.

For postage and expressage in office of Controller of State, one thousand dollars.

Treasurer.

For salary of Treasurer, eight thousand dollars.

For salaries of Clerks in office of Treasurer, eight thousand four hundred dollars.

For salary of Watchmen in office of State Treasurer, four thousand eight hundred dollars.

For postage and expressage in office Treasurer, three hundred dollars.

For pay of Porter in office of Treasurer, three hundred dollars.

Attorney-General.

For salary of Attorney-General, eight thousand dollars.

For salary of Clerk for the Attorney-General, three thousand six hundred dollars.

For pay of Porter in office of Attorney-General, two hundred dollars.

For postage of Attorney-General, two hundred dollars.

For costs and expenses of suits, where the State is a party in interest, eight thousand dollars.

Surveyor-General.

For salary of Surveyor-General, four thousand dollars.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars.

For salaries of Clerks in office of Surveyor-General, ten thousand eight hundred dollars.

For pay of Porter in office of Surveyor-General, six hundred dollars.

For postage and expressage in office of Surveyor-General, two hundred and fifty dollars.

For purchase of maps in Surveyor-General's office, four hundred dollars.

For copying of maps in office of Surveyor-General, three hundred dollars.

Register of Land Office.

For salary of Register of Land Office, four thousand dollars.

For salaries of Clerks in Land Office, seven thousand two hundred dollars.

For postage and expressage for Register of State Land Office, five hundred and fifty dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, three thousand six hundred dollars.

For salary of Clerk of Superintendent of Public Instruction, three thousand dollars. Superintendent of Public Instruction.

For contingent expenses of Superintendent of Public Instruction, two hundred dollars.

For pay of Porter of the office of Superintendent of Public Instruction, four hundred dollars.

For postage and expressage in office of Superintendent of Public Instruction, one thousand six hundred dollars.

For traveling expenses of Superintendent of Public Instruction, three thousand dollars.

For salary of Secretary of State Board of Health, five thousand dollars. State Board of Health.

For mileage and contingent expenses of State Board of Health, three thousand dollars.

For salaries of members of State Board of Examiners, seven thousand dollars. Board of Examiners.

For salary of Clerk of State Board of Examiners, two thousand four hundred dollars.

For salary of State Librarian, six thousand dollars. State Librarian.

For salaries of Deputies to State Librarian, seven thousand two hundred dollars.

For pay of Porter in State Library, twelve hundred dollars.

For postage and expressage for State Library, four hundred dollars.

For salary of Adjutant-General, six thousand dollars. Adjutant-General

For salary of Assistant Adjutant-General, four thousand dollars.

For pay of Porter in office of Adjutant-General, six hundred dollars.

For postage and expressage in office of Adjutant-General, two hundred dollars.

For cleaning and transportation of arms, one thousand five hundred dollars.

For salaries of Justices of Supreme Court, sixty thousand dollars. Supreme Court.

For salary of Reporter of Supreme Court, twelve thousand dollars.

For salary of Clerk of Supreme Court, eight thousand dollars.

For postage and expressage for Clerk of Supreme Court, three hundred dollars.

For salary of Deputy Clerk of Supreme Court, three thousand six hundred dollars.

For pay of Porter of Clerk of Supreme Court, four hundred dollars.

For postage and contingent expenses of Supreme Court, five hundred dollars.

For salary of Phonographic Reporter for the Supreme Court, six thousand dollars.

For salary of Secretary for the Justices of the Supreme Court, six thousand dollars.

For salary of Bailiff and Porter of Supreme Court, two thousand four hundred dollars.

District
Judges.

For salaries of District Judges, two hundred and twenty-eight thousand dollars.

Miscellaneous
appropriations

For payment of rewards offered by the Governor, four thousand dollars.

For arresting criminals without the limits of the State, three thousand dollars.

For traveling expenses of Surveyor-General and Attorney-General, one thousand five hundred dollars.

For services of State Board of Examination, one thousand six hundred dollars.

For traveling expenses of State Board of Education, one thousand dollars.

For purchase of books for State Normal School, one thousand dollars.

For transportation of prisoners to the State Prison, fifty thousand dollars.

For support of State Prison, two hundred and forty thousand dollars.

For support of Stockton Insane Asylum, four hundred and twenty thousand dollars.

For transportation of the insane to the Insane Asylum, sixty thousand dollars.

For support of State Normal School, forty-eight thousand dollars.

For the education and care of the indigent deaf, dumb, and blind, seventy-two thousand dollars.

For services of Registers and Receivers of United States Land Office, six thousand dollars.

For official advertising, five thousand dollars.

For stationery, fuel, lights, blank books, etc., for the Legislature and State officers, twenty-five thousand dollars.

For the purchase of ballot-paper, not to be used until the paper is wanted for use, fifteen thousand dollars.

For salary of Insurance Commissioner, six thousand dollars.

For salary of Clerk in office of Insurance Commissioner, thirty-six hundred dollars.

For rent of office, printing, and contingent expenses of Insurance Commissioner, five thousand dollars.

For restoration and preservation of fish in the waters of the State, ten thousand dollars.

For payment of rent of armory and other expenses of National Guard, sixty thousand dollars.

For support of State Printing Office, including the pay of employes, one hundred thousand dollars.

For salary of Superintendent of State Printing Office, four thousand eight hundred dollars.

For pay of permanent employes of Capitol building and grounds, twenty-eight thousand eight hundred dollars.

For the permanent improvement of the State Capitol grounds, four thousand dollars.

For painting the State Capitol, seven thousand dollars.

For repairing and painting roof Capitol, five thousand dollars. Miscellaneous appropriations

For the construction of a Mechanical Arts College building, for the purposes of mechanical instruction, to be expended under the direction of the Board of Regents of the University, forty thousand dollars.

For Supreme Court reports, five thousand four hundred dollars.

For the furnishing and the support of the Branch Insane Asylum at Napa, two hundred and twenty thousand dollars.

For the support of the inmates of the orphan asylums of the State, the sum of one hundred dollars per annum for each whole orphan, seventy-five dollars per annum for each half-orphan, and seventy-five dollars per annum for each abandoned child; but nothing in any law shall be construed to authorize the payment of any greater sum for the support of orphans, half-orphans, or abandoned children than is herein provided for.

For translating into Spanish the laws of the twenty-first session of the Legislature, two thousand five hundred dollars.

SEC. 2. All stationery, blank books, light, and fuel required by the Supreme Court, State officers, and Legislature, shall be furnished by the Secretary of State, upon the requisition of the Judges, State officers, or member of the Legislature requiring the same, and the Secretary of State shall include in his biennial report to the Governor a statement, under oath, showing the cost of the articles so furnished the Judges, State officers, and Legislature. The stationery, blank books, light, and fuel shall be procured by the Secretary of State, as required by law. Purchase and distribution of stationery, etc.

SEC. 3. The sums herein appropriated for contingent 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 the Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, eighteen hundred and fifty-eight. Appropriations, how disbursed.

SEC. 4. The various State officers, except the Governor, to whom appropriations, other than salaries, are made under the provisions of this Act, shall, with their biennial reports, submit a detailed statement, under oath, of the manner in which all appropriations to their respective departments have been expended; *provided*, that no officer shall use or appropriate any money, for any purpose whatever, unless authorized by law. Officers to submit sworn statement.

SEC. 5. Not more than one-half of the respective appropriations made under this Act shall be drawn during the twenty-eighth fiscal year, unless expressly authorized by law.

CHAP. CCCCXCIII.—*An Act in relation to roads and highways in the County of Butte.*

[Approved April 3, 1876.]

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

Division of
county into
road
districts.

SECTION 1. The Board of Supervisors of the County of Butte shall, at their regular meeting in the month of May, eighteen hundred and seventy-six, divide the County of Butte into road districts. The area of any one district so created by said Board shall not be less than a judicial township of said county; *provided*, that the Town of Chico may, in the discretion of the said Board, be created a road district of itself. The said Board shall also, during said meeting in May, appoint Road Overseers for their respective districts, who shall serve in such capacity until their successors shall have been elected and qualified.

Overseers.
terms of

SEC. 2. The Road Overseers in the County of Butte shall be elected by the qualified electors of their respective road districts in said county, at the general election in eighteen hundred and seventy-six, and shall hold office until the next general election in September, eighteen hundred and seventy-seven, when their successors shall be elected; and at each subsequent general election held in September, the Road Overseers shall be elected to hold office for the term of two years. The said Board of Supervisors shall have power to fill all vacancies occurring in the office of District Road Overseers by resignation, death, or otherwise, said appointees to hold office until the following general election in September.

Duties

SEC. 3. Each Road Overseer must, within twenty days after being notified of his election, and having qualified, deliver to the Clerk of the Board of Supervisors a list of the inhabitants of his district liable for the road poll-tax therein. This list must be laid before the Board of Supervisors at their first meeting held thereafter.

Road
poll-tax

SEC. 4. Every male inhabitant of a road district, over twenty-one and under fifty years of age, must pay annually to the Road Overseer the sum of two dollars.

Width of
highways

SEC. 5. The provisions of the Political Code in relation to roads and highways, not in conflict with the provisions of this Act, shall be applicable to and be in force in the County of Butte; *provided*, that all highways must be at least forty feet wide, except those now existing of a less width.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCCCXCIV.—*An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved April 3, 1876.]

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

SECTION 1. Section six of said Act shall read as follows: Salary and fees of County Assessor.
 Section 6. The County Assessor shall be allowed compensation for himself and deputies, for all services required of him by law, the sum of twenty-eight hundred dollars per annum, payable quarterly, out of the General Fund, and in addition thereto, shall be allowed to retain for his own use and benefit the fees provided by law for the collection of poll-taxes and personal property taxes. The Assessor shall be Collector of Poll-taxes in the County of Butte, and must return to the Auditor, on the second Monday in October, all unpaid poll-taxes. The Auditor must add to the assessment roll such unpaid poll-taxes, and the Tax Collector must collect the poll-taxes as other taxes.

SEC. 2. Any special Act in conflict with this Act is hereby repealed.

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

CHAP. CCCCXCV.—*An Act to change and modify the grade and to provide for the grading and regrading of certain portions of Montgomery Avenue, and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco.*

[Approved April 3, 1876.]

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

SECTION 1. The grade of Montgomery Avenue from the northerly line of Pacific Street to the southerly line of Green Street, the grade of Broadway Street from the westerly line of Kearny Street to a point fifty feet westerly from the westerly line of Dupont Street, the grade of Dupont Street from the southerly line of Vallejo Street to the southerly line of Broadway Street, and the grade of Vallejo Street from the westerly line of Dupont Street to the easterly line of Montgomery Avenue, are hereby so changed and modified that the corner formed by the intersection of the easterly line of Montgomery Avenue with the southerly line of Broadway Street shall be fifty-seven and fifty one-hundredths feet above base, instead of sixty feet, as at present; that the corner formed by the intersection of the westerly line of Mont-

Modification of grade.

Modifica-
tion of grade

gomery Avenue with the southerly line of Broadway Street shall be fifty-nine feet above base, instead of sixty feet, as at present; that the corner formed by the intersection of the northerly line of Broadway Street with the westerly line of Dupont Street shall be sixty-one and seventy-five one-hundredths feet above base, instead of sixty feet, as at present; that the corner formed by the intersection of the westerly line of Montgomery Avenue with the westerly line of Dupont Street shall be sixty-five and twenty one-hundredths feet above base, instead of sixty-three and forty-five one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the easterly line of Dupont Street shall be sixty-eight and fifty one-hundredths feet above base, instead of sixty-nine and sixty-five one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the westerly line of Dupont Street shall be seventy-two feet above base, instead of seventy-three and ninety-one one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the southerly line of Vallejo Street shall be seventy-nine feet above base, instead of eighty-one feet, as at present; and that the corner formed by the intersection of the easterly line of Montgomery Avenue with the northerly line of Vallejo Street shall be eighty feet above base, instead of eighty-one feet, as at present.

Same.

SEC. 2. The grade of Montgomery Avenue from the northerly line of Union Street to the southerly line of Greenwich Street, the grade of Filbert Street from the westerly line of Stockton Street to the easterly line of Mason Street, and the grade of Powell Street from the southerly line of Greenwich Street to the northerly line of Union Street, are hereby so changed and modified that the point of intersection of the line running through the center of Filbert Street with the line running through the center of Powell Street shall be fifty-seven feet above base, instead of forty-eight feet, as at present.

Same.

SEC. 3. The grade of Montgomery Avenue from the northerly line of Greenwich Street to the southerly line of Chestnut Street, the grade of Mason Street from the southerly line of Chestnut Street to the easterly line of Montgomery Avenue, and the grade of Lombard Street from the westerly line of Powell Street to the easterly line of Montgomery Avenue, are hereby so changed and modified that the corner formed by the intersection of the easterly line of Montgomery Avenue with the easterly line of Mason Street shall be thirty-four and fifty one-hundredths feet above base, instead of thirty and forty-five one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the westerly line of Mason Street shall be thirty feet above base, instead of twenty-two and twelve one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the southerly line of Lombard Street shall be sixteen and fifty-two one-hundredths feet above base, instead of fourteen

and one one-hundredths feet, as at present; that the corner formed by the intersection of the easterly line of Montgomery Avenue with the northerly line of Lombard Street shall be sixteen and fifty-two one-hundredths feet above base, instead of fifteen and forty-two one-hundredths feet, as at present; and that the crossing of Lombard and Mason Streets shall be twenty feet above base, instead of twelve feet, as at present.

Modifica-
tion of grade.

SEC. 4. The grade of Montgomery Avenue from the intersection of the northerly line of Chestnut Street with the westerly line of Taylor Street to the northerly line of Beach Street, the grade of Francisco Street from the westerly line of Taylor street to the easterly line of Jones Street, the grade of Bay Street from the westerly line of Jones Street to the easterly line of Leavenworth Street, the grade of Jones Street from the southerly line of Bay Street to the northerly line of Francisco Street, the grade of North Point Street from the westerly line of Jones Street to the easterly line of Leavenworth Street, the grade of Leavenworth Street from the southerly line of Beach Street to the northerly line of North Point Street, and the grade of Beach Street from the westerly line of Leavenworth Street to the easterly line of Hyde Street, are hereby so changed and modified that the crossing of Montgomery Avenue and Francisco Street shall be sixteen and sixty-two one-hundredths feet above base; that the crossing of Montgomery Avenue and Jones Street shall be fifteen and sixty one-hundredths feet above base; that the crossing of Montgomery Avenue and Bay Street shall be fifteen and seven one-hundredths feet above base; that the crossing of Montgomery Avenue and North Point Street shall be thirteen and fifty-three one-hundredths feet above base; that the crossing of Montgomery Avenue and Leavenworth Street shall be thirteen feet above base; and that the crossing of Montgomery Avenue and Beach Street shall be twelve feet above base.

Same.

SEC. 5. The County Clerk of the City and County of San Francisco, within forty days after the passage of this Act, shall publish for thirty days, in the official newspaper of said city and county, a notice simply stating that by an Act of the Legislature, approved on the — day of —, eighteen hundred and seventy-six (giving the date of approval of this Act), the grades of certain portions of Montgomery Avenue and of certain portions of certain streets intersecting Montgomery Avenue, in the City and County of San Francisco, have been changed, and referring to this Act for further particulars, and requiring every person claiming damages by reason of said changes, within thirty days after the first publication of said notice, to file with the County Clerk a verified statement, setting forth the description and situation of the claimant's property, its market value, and the amount of damages, over and above all benefits, which the claimant will sustain, and that upon the failure of any person to file such statement within the prescribed time, his or her claim or right to damages shall be forever forfeited.

Clerk to no-
tify persons
claiming
damages.

SEC. 6. All persons failing to file such statement with the County Clerk within thirty days after the first publication

Forfeiture
by owners.

of said notice, shall forever forfeit their claim or right to damages sustained by reason of said changes.

Commissioners to assess damages.

SEC. 7. On the filing of such statement, if any, but not otherwise, the County Court shall take jurisdiction of the proceedings; and within ten days after the expiration of the time of publication of said notice and the filing of an affidavit of its due publication, the County Court shall appoint three citizens who are freeholders in said city and county, and competent judges of the value of real estate therein, and not interested in said proceedings, as Commissioners to assess the damages, over and above the benefits, to such separate lots of land only as are described in such statements as may have been filed, as provided in this Act, and to assess the benefits, over and above the damages, to such separate lots of land only as may, in their opinion, be more benefited than damaged.

SEC. 8. The Commissioners shall be sworn by the County Judge to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in any of the land in said city and county north of Washington Street, which oath shall be filed with the County Clerk as part of the proceedings. A copy thereof, and of the order of appointment, certified by the Clerk, may be delivered to said Commissioners as their authority.

Duties of Commissioners.

SEC. 9. Said Commissioners shall visit and inspect the premises to be assessed and the premises for which damages are claimed, and shall have power, and it is hereby made their duty, to examine under oath, which any one of them is hereby authorized to administer, any witnesses produced before them by any party, touching the matters to be investigated, and such other witnesses as they may deem necessary to fully acquaint themselves with the actual amount of benefits and damages which will result to the respective parties interested in said changes.

Same.

SEC. 10. Said Commissioners having determined the damage which will be sustained by each claimant, over and above all benefits, by reason of said changes, shall proceed to assess the whole amount thereof, together with the costs, charges, and expenses of the proceedings, including the compensation to the Commissioners for their services, to be taxed and allowed by the County Judge, ratably, upon the several lots of land more benefited than damaged, in the opinion of said Commissioners, so that the same shall be distributed according to the benefits produced by such changes, as nearly as possible.

Commissioners to report.

SEC. 11. Said Commissioners shall make their report in writing, and shall subscribe the same and file it with the County Clerk. In their said report they shall describe each piece of property for which damages have been claimed as aforesaid, stating the amount of damages, if any, which it will sustain over and above all benefits; and they shall also give a brief description of each lot benefited, over and above all damages, the name of the owner, if known, and the amount of the benefit, over and above all damages, assessed

against the same. In case the Commissioners do not agree, the award agreed upon by any two of them shall be sufficient.

SEC. 12. On the filing of said report the County Clerk shall publish in said newspaper, for ten days, a notice, stating simply that the report of the Commissioners, appointed to make assessments of benefits and damages by reason of changes of grades of Montgomery Avenue, and of certain intersecting streets, has been filed with the County Clerk, and requiring all persons that have filed statements claiming damages, and all persons whose lots have been assessed for benefits, to file with the County Clerk, within ten days after the first publication of said notice, any and all objections, if any they have, to the said report, or the confirmation thereof. Said objections to be verified, and if not filed within the time hereinbefore prescribed, such persons will be deemed to consent to the said report, and the confirmation thereof.

Clerk to give notice of same to owners.

SEC. 13. All persons failing to file objections to said report, or the confirmation thereof, with the County Clerk, within ten days after the first publication of said notice of filing said report, shall be held and deemed to consent to the same, and to the confirmation thereof.

Failure to file objections.

SEC. 14. Within five days after the expiration of the time of publication of the said notice mentioned in the last section, and upon the filing of an affidavit of the due publication of said notice, the County Court, if any objections have been filed to said report or the confirmation thereof, as hereinbefore provided, shall, by order, appoint a time, not less than ten days nor more than thirty days from the time of making such order, for hearing such objections, and at the time appointed, or such other time to which the hearing may be continued, shall hear and determine such objections, and may, by its judgment, modify or correct said report in any or all particulars. If no such objections are filed within the prescribed time, or if the objections filed are, in the judgment of the Court, not well taken, the Court shall confirm said report as originally filed; and if, after a hearing upon said objections, said report be modified or corrected, the Court shall confirm the same as modified or corrected. The County Court shall thereupon enter up judgment against each lot assessed for benefits, describing the same as accurately as can conveniently be done. Upon said judgment an order of sale may issue, by order of the Court, commanding the Sheriff of said city and county to collect the amount therein mentioned, by sale of the lot assessed in the mode prescribed by law for the sale of real estate, the proceeds to be paid by the Sheriff to the Treasurer of said city and county, who shall place the same to the credit of the Street Department Fund, and the same shall be paid; and said Treasurer shall pay the amount collected for damages into the County Court, which shall hold, invest, and distribute the same in the same manner as provided in section nineteen of an Act entitled "An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands

Hearing of objections by County Court.

Judgment.

for certain public improvements, and to prescribe the manner of its execution," approved April fourth, eighteen hundred and sixty-four. All such judgments shall be in favor of the City and County of San Francisco, and shall be a lien upon the lot until the same is paid; but no sale shall be made, nor execution issue, until the County Court shall determine that said work has been completed.

Appeals
from
judgment.

SEC. 15. Any party dissatisfied may, within thirty days after said judgment, appeal therefrom to the Supreme Court by giving notice to the County Clerk of his intention to appeal, and filing an undertaking or making a deposit, as now provided by law in cases of appeal from final judgments.

Sheriff's and
Clerk's fees.

SEC. 16. The Sheriff shall collect fees for the execution, in case an execution issues, as in other cases; but each party may pay to the Treasurer the amount of the judgment against him, and the Treasurer's receipt being produced to the County Court, satisfaction of the judgment shall be entered by the Clerk. The Clerk shall not charge any fees for the proceedings, unless execution issues, in which case he shall be authorized to charge five dollars for each execution, to be collected by the Sheriff on the execution.

SEC. 17. If no statement shall be filed as hereinbefore prescribed, by any person claiming damages, or if such statement has been filed and said report has been confirmed without objections to the same, or the confirmation thereof being filed as hereinbefore prescribed, or if such objections have been filed and no appeal has been taken, as hereinbefore prescribed, or if any appeal has been taken and final judgment entered after such appeal, then, within five days thereafter, the County Clerk shall give written notice thereof to the Board of Supervisors.

Costs and
expenses.

SEC. 18. If no statement shall be filed as hereinbefore prescribed, by any person claiming damages, the costs, charges, and expenses of the proceedings to date shall be taxed and allowed by the County Judge, and certified by the County Clerk to the Clerk of the Board of Supervisors at the time the notice mentioned in the last section shall be given; and said costs, charges, and expenses shall be paid the same as ordinary expenses incident to improvements of streets not accepted by said city and county.

Supervisors
to award
contract.

SEC. 19. Upon the receipt of the notice mentioned in section seventeen of this Act, by the Board of Supervisors, a contract shall be awarded by the Board of Supervisors to grade Montgomery Avenue and said intersecting streets, and to regrade the same wherever necessary, so that the grades shall conform to the changes of grades hereinbefore made, and the same shall be graded and regraded accordingly; and all the proceedings, both before and after the awarding of said contract, shall be the same as though an order to do said work had been legally made by the Board of Supervisors, upon a sufficient petition by the property owners, and shall be the same as is now provided by law for the grading of streets in said city and county.

SEC. 20. This Act shall take effect from and after its passage.

CHAP. CCCCXCVI.—*An Act concerning lodging-houses and sleeping apartments within the limits of incorporated cities.*

[Approved April 3, 1876.]

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

SECTION 1. Every person who owns, leases, lets, or hires, to any person or persons, any room or apartment in any building, house, or other structure, within the limits of any incorporated city, or city and county, within the State of California, for the purpose of a lodging or sleeping apartment, which room or apartment contains less than five hundred cubic feet of space, in the clear, for each person so occupying such room or apartment, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars or more than five hundred (500) dollars, or by imprisonment in the County Jail, or by both such fine or imprisonment.

Number of cubic feet for each person.

SEC. 2. Any person or persons found sleeping or lodging, or who hires or uses for the purpose of sleeping in, or lodging in, any room or apartment which contains less than five hundred (500) cubic feet of space, in the clear, for each person so occupying such room or apartment, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten (10) or more than fifty (50) dollars, or by both such fine and imprisonment.

Misdemeanor.

SEC. 3. It shall be the duty of the Chief of Police (or such other person to whom the police powers of a city are delegated), to detail a competent and qualified officer or officers of the regular force to examine into any violation of any of the provisions of this Act, and to arrest any person guilty of any such violation.

Buildings excepted.

SEC. 4. The provisions of this Act shall not be construed to apply to hospitals, jails, prisons, insane asylums, or other public institutions.

SEC. 5. All Acts or parts of Act in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CCCCXCVII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXCVIII.—[See volume of *Amendments to the Codes.*]

CHAP. CCCCXCIX.—[See volume of *Amendments to the Codes.*]

CHAP. D.—*An Act amendatory of and supplementary to an Act to establish water rates in the City and County of San Francisco, approved March first, eighteen hundred and seventy-six.*

[Approved April 3, 1876.]

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

SECTION 1. Section four of the said Act is hereby amended so as to read as follows: Section 4. The Commissioners, before entering upon their duties, shall take and subscribe an oath or affirmation, that they will faithfully perform such duties and establish such rates as shall be just and reasonable to the consumers, which rates shall be confirmed by ordinance of the Board of Supervisors before taking effect; and it shall be the duty of any individual, company, or association engaged in, or who may hereafter engage in the business of supplying water to the inhabitants of San Francisco, to furnish the same at the rates which may be established under the provisions of this Act, and to furnish water to the extent of their means to said city and county in case of fire or other great necessity, free of charge.

SEC. 2. The said Board of Water Commissioners of the City and County of San Francisco, and the Clerk thereof, shall have free access to any records, books, and papers in the offices of any individuals, corporations, companies, or associations engaged, or that may hereafter engage, in the business of supplying water to the inhabitants of the City and County of San Francisco; and said Board of Water Commissioners of the City and County of San Francisco, and the several members thereof, and the Clerk thereof, shall have the same power as Courts of record to administer oaths and affirmations, to examine witnesses and compel their attendance before the Board last aforesaid, and the production of papers, by subpoena, and attachment for contempt in case of their refusal to appear or to testify when lawfully required for the purposes of said Act and of this Act.

SEC. 3. The Board of Supervisors of said city and county are hereby empowered, by ordinance, to provide regulations to prevent waste, by consumers, of the waters supplied for their use, as hereinbefore mentioned; and any violation of the provisions of such ordinance is hereby declared to be a misdemeanor, punishable by such penalty as may be prescribed by said Board of Supervisors.

SEC. 4. The provisions of the Act to which this Act is amendatory and supplementary, and this Act, shall be applicable to all corporations engaged in, or which may hereafter engage in the business of supplying water to the inhabitants of the City and County of San Francisco.

SEC. 5. This Act shall take effect immediately.

Commissioners to establish rates.

Powers of Commissioners.

Misdemeanor

CHAP. DI.—*An Act to pay the claim of George W. Wheelock*
[Whitlock.]

[Approved April 3, 1876.]

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

SECTION 1. The sum of four hundred and fifty dollars is hereby appropriated out of the General Fund in the State treasury, of any moneys not otherwise appropriated, to pay the claim of George W. Whitlock for services rendered the State as messenger and porter in office of State Board of Equalization, from July first, eighteen hundred and seventy-four, to January first, eighteen hundred and seventy-six, at the monthly rate of twenty-five dollars.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAP. DII.—[See volume of *Amendments to the Codes.*]

CHAP. DIII.—*An Act to transfer certain funds in the State*
treasury belonging to the State Harbor Commission.

[Approved April 3, 1876.]

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

SECTION 1. The State Treasurer is hereby directed to close the account in his office known as the "San Francisco Harbor Protection Fund," and to transfer the money to its credit to the account of "San Francisco Harbor Improvement Fund."

Treasurer to transfer funds.

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

CHAP. DIV.—[See volume of *Amendments to the Codes.*]

CHAP. DV.—[See volume of *Amendments to the Codes.*]

CHAP. DVI.—[See volume of *Amendments to the Codes.*]

CHAP. DVII.—*An Act to open, establish, grade, and macadamize a public street in the City and County of San Francisco, known and to be called Fifteenth Avenue Extension, and to take private lands therefor, and to build and construct a bridge over and across Islais Creek, in said city and county.*

[Approved April 3, 1876.]

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

Extension
line of street
established.

SECTION 1. The street known as Fifteenth Avenue, South San Francisco, in the City and County of San Francisco, shall, subject to the provisions of this Act, be extended northwesterly in a straight line across Islais Creek, to the easterly line of the San Bruno Road, in said city and county, so that the northern and southern lines of said extension shall be the prolongation of the northern and southern lines of said Fifteenth Avenue, as laid down upon the official map of said city and county, from the present terminus of Fifteenth Avenue on "S" Street, to the easterly line of said San Bruno Road, and all the private lands lying, being, and situate within and between said lines so prolonged and the said easterly line of the San Bruno Road, are hereby taken and dedicated for an open and public street, and when paid for as hereinafter provided, the title thereto shall vest in said City and County of San Francisco for such purposes, forever, as the title of other public streets in said city and county is now vested; and said street shall hereafter be known and designated as "Fifteenth Avenue Extension." The grade of said extension shall be established and adjusted by the Board of Supervisors of said city and county, which is hereby empowered to pass all necessary orders for that purpose.

Damages to
property,
and costs of
grading, etc.

SEC. 2. The value of the land taken for said Fifteenth Avenue Extension, and the damages to improvements thereon, or adjacent thereto, injured thereby, the expenses of filling, grading, and macadamizing said Fifteenth Avenue Extension, and Fifteenth Avenue, from the westerly line of Railroad Avenue to "S" Street, and all other expenses whatsoever incidental to the taking and opening thereof, and the construction of a bridge across Islais Creek, and all other work provided for in this Act, shall be held and considered to be the cost of opening said Fifteenth Avenue Extension, and shall be defrayed and paid by assessment, not to exceed thirty thousand dollars, gold coin, which shall be made by the Board of Commissioners hereinafter provided for, on the lands mentioned and described in the following section of this Act, in proportion to the benefits accruing therefrom to the several lots, pieces, and subdivisions of said land, respectively, which said lands are hereby declared to be benefited by the opening of said Fifteenth Avenue Extension, the filling, grading, and macadamizing aforesaid, and the construction of said bridge over Islais Creek; and the assessment, when collected, shall be kept by the Treasurer of said city and county as a separate fund, to be known and desig-

nated as the "Fifteenth Avenue Extension Fund," and the same shall not be used or paid out except as by this Act provided.

SEC. 3. The cost and expense of the opening, filling, grading, and macadamizing of said Fifteenth Avenue Extension, and Fifteenth Avenue from Railroad Avenue to "S" Street, and of the construction of a bridge across Islais Creek, including all costs and expenses whatsoever incidental thereto, shall be assessed on all the lots, pieces, and subdivisions of lands included within the following described area of lands, improvements excepted—that is to say: Commencing at the northeasterly corner of Eighteenth Avenue and "S" Street, and running thence easterly along the northerly line of Eighteenth Avenue to the easterly line of Railroad Avenue; thence southerly along said easterly line of Railroad Avenue to the northerly line of Twenty-first Avenue; thence southeasterly along said northerly line of Twenty-first Avenue to the Bay of San Francisco; thence along the shore of said bay to the southerly line of Fourteenth Avenue; thence northwesterly along said southerly line of Fourteenth Avenue to the westerly line of "L" Street; thence northerly along said westerly line of "L" Street to the southerly line of Eleventh Avenue; thence northwesterly along said southerly line of Eleventh Avenue to ——— Street next easterly of Islais Creek; thence southwesterly along the easterly line of said ——— Street to a point thereon three hundred feet north of the northerly line of Fifteenth Avenue; thence northwesterly across Islais Creek, on a line parallel with the northerly line of Fifteenth Avenue prolonged northwesterly, and three hundred feet therefrom, to the easterly line of the San Bruno Road; thence at right angles southerly six hundred feet; thence at right angles southeasterly to the easterly line of "S" Street; and thence southwesterly along said easterly line of "S" Street to the northeast corner of Eighteenth Avenue and "S" Street, and the point of commencement.

Lands assessed for improvements.

SEC. 4. If within the period of ninety days from and after the passage of this Act it should appear to the satisfaction of the Board of Supervisors that the owners of one-fourth in value of the property described in section three of this Act are opposed to the prosecution of the work, then and in that event the proceedings shall cease till the parties objecting withdraw their protest. The Mayor of said City and County of San Francisco is hereby authorized and empowered to appoint three citizens of said city and county, who shall, upon acceptance of said appointment, constitute and become a Board of Commissioners, to be known and designated as the "Board of Fifteenth Avenue Extension Commissioners;" and said Board of Commissioners are hereby authorized, empowered, and directed to perform all and singular the duties and acts herein enjoined upon it, which shall be performed as herein provided. Each of the members of said Board shall, before entering upon the duties of Commissioner, take the usual oath of office, and give a bond, with two sureties, to be approved by said County Judge, in

When protests.

Mayor to appoint Commissioners.

Bonds.

Salaries.

the penal sum of five thousand dollars, payable to the people of the City and County of San Francisco, for the faithful performance of his duties. Each of said Commissioners shall receive a compensation of six hundred dollars for his services. The said Board shall elect one of the members thereof President of said Board. Each of the members of said Board may administer oaths to any person to be examined by or before them, but no charges shall be made therefor. The said Board of Commissioners may cause to be made, and may adopt such surveys, plans, diagrams, maps, block-books, abstracts of title of property, or any other matter for data, as, after examination, shall meet its approval; it may also alter, modify, or reject the same, or any part thereof, and make new surveys, plans, maps, block-books, or other exhibits necessary or convenient for the prosecution of its duties, under the provisions of this Act. And the said Board, for the better execution of its duties and functions as defined in this Act, may employ such surveyors, clerks, draughtsmen, or other persons, as in its judgment and discretion shall be necessary, but at rates of compensation not exceeding those ordinarily paid for like services by private parties; and such expenses and the expenses of all such employes shall be paid out of the fund herein and hereby created.

Powers and
duties of
Commis-
sioners

SEC. 5. The said Board of Commissioners, having adopted surveys, plans, maps, block-books, or other working exhibits, as hereinbefore mentioned, shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land included in the land taken for said Fifteenth Avenue Extension, and the amount of damages that will be occasioned to the property along the line and within the course of said avenue; also, the cost of filling and grading to the official grade and macadamizing said Fifteenth Avenue Extension, and of the construction of a bridge across Islais Creek. In making said report, said Board shall severally specify and describe each lot, subdivision, or piece of property taken or injured, and shall set against each lot, subdivision, or piece of property the names of the owners, occupants, and claimants thereof, or of persons interested therein, as lessees, incumbancers, or otherwise, and the particulars of their interests, respectively, so far as the same can be reasonably ascertained, and the amount of value or damage determined upon for the same, respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain and determine, and separately state and set down in the report, a description of the several subdivisions and lots of land included in the district defined in this Act, and opposite to such description shall set, against each lot or subdivision, the sum or amount in which, according to the judgment and determination of said Board, the

said lot or subdivision has been or will be benefited by reason of the taking and opening of said Fifteenth Avenue Extension, the grading, filling, and macadamizing of the same, as aforesaid, and the construction of said bridge over Islais Creek, relatively to the benefits therefrom accruing to the other lots or subdivisions, respectively, within said district. Said Board shall also set against each lot or subdivision, as aforesaid, the names of the owners, occupants, and claimants thereof, as far as the same can be ascertained by said Board, and when the said owner cannot be conveniently ascertained, the same shall be set down as belonging to an unknown owner. Such report, as soon as the same is completed, shall be left at the office of said Board daily, from eight o'clock A. M. until five o'clock P. M., for thirty days, for the free inspection of all parties interested; and notice that the same is so open for inspection, for such time and at such place, shall be published by said Board daily, for ten days, in two daily newspapers printed and published in said city and county; *provided*, that notices in writing of such assessment shall be sent through the post-office to each of said owners, so far as the same can be ascertained from the assessment roll of said city and county for the fiscal year eighteen hundred and seventy-six-seven.

Commissioners' report.

SEC. 6. Any person feeling dissatisfied with the determination of said Board of Commissioners as to the value of the amount of damage to, or the assessments upon, lands or property owned, claimed, or occupied by him, shown in the report provided for in the last preceding section, may have a summary hearing thereupon before said Board, in person or through counsel, at any time before the filing of said report, as hereinafter provided; and may be examined upon oath, to be administered by any one of said Commissioners, and produce and examine witnesses in relation thereto; and the said report and map shall, during that time, be open to revision and correction by said Board. At the expiration of the time allowed for such hearing (the several parties to have, during said period, applied for a hearing, having had an opportunity to be heard), said Board shall proceed to review its said report, and, if necessary, correct or modify the same; and when such revision is completed, shall file its said report as revised, together with a map of said Fifteenth Avenue Extension, and the land assessed, in the Clerk's office of the County Court of said city and county, with a petition signed by said Board or a majority thereof, for the confirmation of said report. Upon filing of said report, map, and petition, the said County Court shall have and take jurisdiction of said proceedings, and determine the same as a special proceeding in said Court; and the Court, or the Judge thereof, shall thereupon appoint a day, not more than twenty nor less than ten days, for the hearing of said petition. Notice of the filing of said report and map, and the petition for the confirmation of said report, and of the time and place appointed for the hearing of said petition, shall then be given by publication thereof daily, at least ten days before said hearing, in two daily newspapers published in said city and county;

Objections to report.

Report to be filed.

Hearing, notice of.

and the affidavit of the principal clerk of the publisher of said notice shall be conclusive evidence thereof. On the day appointed for the hearing of said petition, or on such other day or days as the said hearing may be adjourned to, or as may be appointed for that purpose by said Court, all persons interested may be heard before said Court in relation to any of the matters contained in said report; and the Court, after hearing the allegations and proof of all parties interested, and ascertaining to its satisfaction that notice of such hearing has been duly given, may confirm, set aside, or modify said report, and, if necessary, refer the same back for revision and correction to said Board, who shall thereupon, if the same be so referred, after revising and correcting the same as directed by said Court, file the same, so revised and corrected; and like proceedings shall thereupon be had as to hearing before the County Court, confirmation, reversal, or modification, as hereinbefore in this section provided, until said report, as revised and corrected, shall be finally confirmed by said Court. No objections to said report shall be considered by said Court, except such as are specially set forth in writing by the parties objecting to the same; and all errors, omissions, and irregularities, not so specially set forth, shall be deemed to be waived by all parties affected by said report. Upon the confirmation of said report said Court shall enter up a separate judgment against each lot or subdivision of land assessed therein, for the amount so assessed against the same in said report, describing the same as described in said report, or by a correct description, if the same be incorrectly described therein. In the proceedings on said report there shall be but one judgment roll, which shall consist of a copy of the report and map, petition for confirmation, objections thereto, and the judgment of the Court thereon. All such judgments shall be in favor of the City and County of San Francisco, against each particular lot of land described, for the amount assessed upon it; shall be rendered for, and be payable only in, gold coin of the United States, or by the warrants issued by said Board, as provided in this Act; shall bear interest from the date of entry of said judgment, at the rate of one per cent. per month, until satisfied, and shall be a lien upon the respective lots of land until the same are paid or satisfied.

Separate
judgments.

Satisfaction
of judgment.

SEC. 7. At any time after the final confirmation of said report by the said County Court, said Board may apply to said Court for an order or orders of sale to issue to the Sheriff of said city and county, commanding him to collect the amount of the said several judgments, or such or any of them as shall then remain unpaid, together with costs and expenses, by sale of the lots against which the same are respectively entered, in the mode prescribed by law for the sale of real estate under decree of foreclosure; the proceeds to be paid by said Sheriff to the Treasurer of said city and county, who shall place the same to the credit of said Fifteenth Avenue Extension Fund, to be used solely for the purposes of this Act.

SEC. 8. The fees of the Clerk of said Court, for his services in any proceedings in said Court under this Act, shall be the sum of twenty-five cents for every judgment entered therein, and shall be collected at the time and in the manner that said judgments are collected, and shall be paid to said Clerk by said Board out of the fund hereinafter provided for, as other expenses are paid. The fees of said Sheriff shall be two dollars for each and every subdivision or lot sold by him, beside the cost of advertising, and shall be paid to him as the fees of said Clerk are paid. Neither of said officers shall be entitled to receive, or receive any other or further, compensation for any services rendered by him hereunder than those above provided for, and all fees received by said Clerk or Sheriff shall be paid to the said Treasurer for the benefit of the Fee Fund of said city and county; *provided, also,* that said Sheriff shall receive but two dollars for selling lots belonging to one judgment debtor, and he shall sell at one sale all lots upon which said debtor is delinquent.

Fees of Clerk and Sheriff.

SEC. 9. Any owner of, or person interested in any lot or subdivision of land assessed in said report, against which judgment has been so entered by said County Court, may, at any time before the issuance of an order of sale thereon, pay the amount of such judgment and interest, and Clerk's fees, or the sum called for by said Board as herein provided, to the Treasurer of said city and county, who shall receipt for the same, and place the money to the credit of the Fifteenth Avenue Extension Fund herein provided for; and on presentation to said Clerk of said receipt, such judgment shall be by him satisfied of record *pro tanto*. All sums of money collected by said Sheriff, on said judgments of the County Court, shall be deposited by him with the Treasurer of said city and county, by whom the same shall be held as a special fund to the credit of the said Fifteenth Avenue Extension Fund, and shall be paid out on the warrants of said Board of Commissioners. The said warrants shall be drawn by said Board on said Treasurer, to the order of the person or persons to whom the same may be due; shall be signed by a majority of said Board; shall be payable only in gold coin, and shall be paid in the order of their presentation to said Treasurer, out of any money in his hands to the credit of said fund. It shall be the duty of said Treasurer to register said warrants in the order of their presentation to him for payment, unless he has funds to pay the same, and to pay the same as above prescribed, in the order of their registration. All warrants not paid at the time of presentation, shall be again presented for payment within six months.

Proceeds of judgments, how applied.

SEC. 10. In case the owner of any lot or parcel of land taken for said avenue, or of property in respect to which damages have been awarded for injuries sustained by the taking and opening of said avenue, shall also be the owner of any lot or parcel of land assessed hereunder, said Board shall, upon the request of said person, deliver to him a certificate of such fact, stating the amount awarded to him as the value of, or extent of injury to, such land or property taken or injured, and the amount assessed upon the land

Assessments to be deducted from judgment

owned by him; and upon presenting such certificate to said Treasurer, or to said Sheriff, the receipt of such person for the amount, or any part of the amount, so certified as due him, shall be received in payment or satisfaction, or on account of, or in part satisfaction, as the case may be, of any assessment made or judgment entered against land of which said person is the owner.

Payments
for lands
taken.

SEC. 11. Any person owning land included within the description of land to be taken for said avenue may, at any time after confirmation of said report, on executing and delivering to said Board a deed of the land so owned by him, in form to be approved by said Board, conveying the same to said city and county for the purpose described in this Act, shall be at once entitled to a warrant for the amount awarded in said report as the value of such land; such warrant to be drawn by said Board upon the Treasurer of said city and county, as hereinbefore prescribed, to the order of such person, payable out of the funds in the hands of said Treasurer to the credit of said Fifteenth Avenue Extension Fund; whereupon said land shall be taken possession of by said Board for said city and county, for said purpose. Said Treasurer is also authorized to receive from any person any sum or sums of money in advance of the proceeds of the assessments herein authorized; and said Board may issue like warrants therefor in favor of such person. All said warrants shall be receivable by the Sheriff and Treasurer of said city and county in payment and satisfaction of any judgments rendered by said County Court, in pursuance of the provisions of this Act.

Deeds to city.

SEC. 12. On rendering to, or paying into, said Court, for account of the owner or owners of any lot of land to be taken for said avenue, the amount awarded in the report provided for in this Act, as the value of such lot of land, or on so tendering or paying into said County Court a warrant drawn by said Board upon the Treasurer of said city and county in favor of such owner or owners, or in favor of the Clerk of said Court, in case of payment into Court, for the amount so awarded, accompanied by the certificate of said Treasurer that such warrant has been presented to him, and by him registered, and will be paid on demand, said Board shall be entitled to an order of said County Court, authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said Fifteenth Avenue Extension, and thereupon an execution may issue to the Sheriff of said city and county, in the nature of a writ of *habere facias possessionem*, commanding him to put the said Commissioners in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed, conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of said Board therefor. Said deed delivered to the said Court shall be recorded by the County Recorder of said city and county without any

charge therefor. The original deeds, after the same shall be recorded, shall be kept by said Treasurer.

SEC. 13. The amount due to any person for rent, labor, services, or other expenses of said Board, shall be paid by said Board by warrant drawn on said Treasurer, payable only out of the funds in his hands to the credit of said Board, in the mode provided in this Act; and like warrants may be drawn by said Board in favor of the persons entitled thereto, for the amounts which have been awarded to them as the value of their lands taken for said avenue, or as damages. Should said Board be in doubt as to the ownership of any such lands, or in case the owner thereof be unknown to said Board, or married women, or infants, or lunatics, or idiots, it may pay the amount of such value or damages into said County Court, by warrant certified as aforesaid, describing the land in respect to which said amount is payable, to be awarded by said Court on application by or on behalf of the parties claiming the same, to the person whom it may, after due hearing and consideration, adjudge to be rightfully entitled thereto. Any adjudication of said Court, in respect to such ownership, shall be subject to appeal in like manner as appeals are now taken from judgments of District Courts. Upon payment by said Board, to the respective owners of land taken for said avenue, of the amounts so awarded to them, as provided in this section, or on payment of said amount into Court, said lands shall be and become thereby vested in said city and county forever, and shall be taken possession of by said Board for said city and county, for the purpose of constructing said avenue; but no land shall be taken possession of by said Board without the consent of the owner thereof, unless upon payment or tender of the amount awarded therefor in pursuance of this Act; and it shall be the duty of the Treasurer of said city and county, upon requisition in writing by said Board, to take into Court, out of said fund, any sum or sums in coin specified in said requisition, or to tender the same to any person or persons named in said requisition, as the value of his or their lands, to be taken for said avenue; and a receipt therefor, by the Clerk of the Court into which it is taken, or by the person or persons named in said requisition, shall be sufficient voucher to said Treasurer of the legal disposal of said money.

SEC. 14. Should the owners of any land taken for said avenue fail or neglect, within the space of sixty days after the final confirmation of said report, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board, on tender from said Board to them respectively of the sums awarded to them respectively by said Board, as the value of such lands, buildings, or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidders, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash, or in such warrants of said Board; and if at such auction there shall be no responsible

Expenses,
how paid.

When doubt
as to owner-
ship, pay-
ments to be
made into
Court.

Removal of
buildings,
etc.

bidders for such improvements, with the obligation to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Fifteenth Avenue Extension Fund.

Width of
avenue.

SEC. 15. Fifteenth Avenue Extension shall be of the width of Fifteenth Avenue, and shall be filled, graded to the official grade, and macadamized to the width of forty-two feet.

Grading and
macadamiz-
ing.

SEC. 16. Whenever the judgments of said County Court shall be entered and become final on the confirmation of said report, the said Board may call, in its discretion, every three months thereafter, for twenty-five per cent. of the amount of said judgments to be paid, and whenever said per cent. shall have been paid, the land hereby condemned paid for, and the expenses paid as provided in this Act, said Board of Commissioners shall proceed to fill, grade, and macadamize said avenue as specified in this Act, and to construct said bridge, and for that purpose said Board shall advertise for sealed proposals.

Advertis-
ments for
sealed
proposals.

SEC. 17. The advertisements shall call for proposals in each kind of work for said avenue, as in the opinion of said Board may be deemed advisable, and for the construction of said bridge. Said advertisements shall be published daily for ten days in two daily newspapers printed and published in said city and county, and shall require that all bids shall be handed in to said Board within ten days after the first publication of said advertisement, accompanied with bonds in favor of said Board, with sureties satisfactory to said Board, that the bidders will, if the contract be awarded to them, enter into the same as provided in this section. Said advertisements must also state that said Board reserves the right to reject any and all bids, and shall refer to specifications which shall be prepared by said Board and filed in its office, specifying in detail the material of which, and the time and manner in which said works may be constructed. All proposals handed in to said Board, in pursuance of said advertisements, shall be publicly opened by said Board at the time and place specified therefor in said advertisements, and said Board shall thereupon award said contracts to the lowest bidders therefor respectively; *provided*, their bids and sureties are satisfactory to said Board. The parties to whom said contracts respectively shall be awarded, shall then enter into written contracts with said Board for the performance of said work in accordance with stipulated specifications, and with said advertisements for proposals, and for the completion of the said work within the period fixed therefor. Such contracts shall be accompanied with bonds on the part of the said contractors respectively, in sums equal to one-half of the contract price, with sufficient sureties, to be approved by said Board, conditioned for the faithful performance of the same, and shall specify the dates, to be fixed by said Board, at which the respective works shall be commenced, and the length of time allowed for the completion thereof. Upon the execution of contracts and bonds, the work shall be commenced at the date fixed therefor, and prosecuted daily

Awarding of
contracts.

to completion. In case the parties to whom such contracts shall be awarded, or either of them, shall fail, within ten days after notice of said award, to enter into the contract prepared by said Board, he or they shall forfeit the amount fixed in the bond accompanying his or their proposal, and said Board shall proceed to advertise again for proposals in like manner as before, and so on *toties quoties*. All bonds shall be given to the people of the City and County of San Francisco, and any suits thereon shall be maintained in the name of the people of the City and County of San Francisco, and all moneys collected on said bonds shall be paid in to said Treasurer for the benefit of the General Fund of said city and county.

SEC. 18. Said Board is hereby authorized to draw its warrants, in like manner as provided in this Act, upon the Treasurer of said city and county, for any amount in his hands collected on the judgments for the assessments levied in pursuance of the provisions of this Act, and placed to the credit of said Fifteenth Avenue Extension Fund, for the purpose of making payments under the contracts entered into for the various works and constructions authorized and directed in this Act, and for the payment of any and all of the costs of opening said avenue, and of the construction of said bridge; *provided, however*, all warrants drawn upon said Treasurer by said Board, pursuant to this section, shall be paid by him in order of registration, if then due, out of any funds in his hands to the credit of said Board. Warrants.

SEC. 19. All assessments provided for in this Act shall be in gold coin of the United States of America, payable and collected in gold coin, unless otherwise provided for; and all contracts, bonds, payments, and warrants shall be in gold coin. Gold coin.

SEC. 20. When the said Board of Commissioners shall have called for twenty-five per cent. of said judgments of said County Court, the same shall be payable within thirty days from the date of said calls; and upon the neglect or failure to pay the same, or any part thereof, of either of said calls of said Board, within thirty days of the date thereof, the said Board may proceed to collect the whole of said several judgments, as in this Act provided, the same being hereby declared and made due and payable in full upon any such failure or neglect; and whenever all of said land condemned under this Act is paid for, all of said work completed and paid for, all the expenses, costs, and salaries hereinbefore provided for paid, the said Board of Commissioners shall authorize the said County Clerk, in writing, to enter a satisfaction of the balance of any judgments, or parts of judgments, remaining uncalled for by said Board, all previous calls of said Board having been paid. Satisfaction of judgments.

SEC. 21. This law, and all acts and proceedings hereunder, shall be liberally construed, and the judgments and proceedings of the County Court hereunder shall be construed like judgments and proceedings of Courts of general jurisdiction. The word "persons," when used in this Act, shall be held and construed to include "corporations." All Acts or parts

of Acts, so far as they conflict with this Act, are hereby repealed. All acts and proceedings to be done by said Board of Commissioners may be done or performed by a majority of its members. Whenever all the provisions of this Act have been complied with, the functions of said Board shall cease.

SEC. 22. This Act shall not be operative except upon the filing of the petition and passage of the resolution described in section four of this Act.

CHAP. DVIII.—[See volume of *Amendments to the Codes.*]

[This Act also repeals "An Act in relation to solvent debts other than those secured by mortgages or other liens," approved March twenty-eighth, eighteen hundred and seventy-four.]

CHAP. DIX.—*An Act to open and establish a public street in the City and County of San Francisco, to be called "Seventh Street;" to take private lands therefor; and to grade, macadamize, and improve a portion of Seventh Street, and to construct a bridge thereon.*

[Approved April 3, 1876.]

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

Providing
for opening
Seventh
Street.

SECTION 1. The following described piece of land, situated in the City and County of San Francisco, to wit: Beginning at a point where the center line of Seventh Street intersects the northerly line of Center or Sixteenth Street; thence southeasterly along the said center line of Seventh Street produced, to the westerly line of Kentucky Street and intersecting therewith; said Seventh Street, so to be hereby opened, to be laid out to a width of forty-one feet and three inches on each side of said center line of Seventh Street produced, southeasterly to Kentucky Street, is hereby taken, and forever dedicated as an open public street; and when paid for as hereinafter provided, or when the same or any portion thereof is donated for the purposes of this Act, the title thereto shall vest in said city and county for such purpose forever, as the title of other public streets in said city and county is now vested, and said street shall hereafter be known and designated as Seventh Street.

Grades.

SEC. 2. The grade of such of the cross-streets as intersect said Seventh Street shall be adjudged by the Board of Supervisors of said city and county, so as to make them conform to the grade of said Seventh Street, as the same hereby is or as it may be hereafter established; and the grade of said Seventh Street shall be established by said Board of Super-

visors, which is hereby authorized and directed to pass all necessary orders for that purpose.

SEC. 3. The value of the land taken for the opening of Seventh Street, and the damages to improvements thereon, or adjacent thereto, injured thereby, and all expenses whatsoever incident to the opening of said street, shall be held to be the cost of opening, grading, macadamizing, and culverting said street, and the said expense, together with the expense of grading, macadamizing, and culverting Seventh Street, from the southerly line of King Street to the westerly line of Kentucky Street, shall be assessed upon the district hereinafter described.

Costs, how assessed.

SEC. 4. The district upon which the cost of making, opening, establishing, grading, macadamizing, and culverting said street, is hereby described and designated as follows: Commencing at the southwesterly line of Seventh Street, where Market Street intersects the same, and running thence southwesterly, at right angles, eighty feet; thence at right angles southeasterly, and parallel with Seventh Street, to the northerly line of Brannan Street; also, commencing at the southwesterly corner of Seventh and Brannan Streets, and running thence southwesterly, along the southerly line of Brannan Street, four hundred feet; thence at right angles southeasterly and parallel with Seventh Street, to the northerly line of Berry Street; also, commencing at the southwesterly corner of Seventh and Berry Streets, and running thence southwesterly, along the southerly line of Berry Street, eight hundred feet; thence at right angles southeasterly, and parallel with Seventh Street, to the westerly line of Kentucky Street; also, commencing at the southeasterly corner of Market and Seventh Streets, thence at right angles northeasterly, along the southeasterly line of Market Street, eighty feet; thence at right angles southeasterly, parallel with Seventh Street, to the northerly line of Brannan Street; also, commencing at the southeasterly corner of Seventh and Brannan Streets, and running thence easterly, along the southerly line of Brannan Street, four hundred feet; thence at right angles southeasterly, parallel with Seventh Street, to the northerly line of Berry Street; also, commencing at the southeasterly corner of Seventh and Berry Streets, and running thence easterly, along the southerly line of Berry Street, four hundred feet; thence at right angles southeasterly, and parallel with Seventh Street, to the westerly line of Kentucky Street, excepting and reserving therefrom all public streets within said exterior lines.

District to be assessed.

SEC. 5. The Mayor of the City and County of San Francisco, the Auditor of said city and county, and the City and County Surveyor, and their successors in office, are hereby constituted a Board of Seventh Street Commissioners, and as such shall possess all the powers and perform all the duties prescribed in this Act. They shall each receive a compensation of five hundred dollars for their services. The said Board may also allow and pay such sums as may be necessary and reasonable for clerks, draughtsmen, surveyor, attorneys, and other incidental expenses. The Mayor shall

Mayor, Auditor, and Surveyor to be Commissioners.

Compensation.

be ex officio President of said Board. The said Board shall adopt and procure an official seal, which may be used to verify their official acts. The said Board may issue certificates of indebtedness, under their official seal and the signature of the President, for preliminary and incidental expenses.

Secretary,
etc.

SEC. 6. Said Board shall employ a Secretary and such attorneys, clerks, draughtsmen, searchers of records, and other assistants, as they may deem necessary and proper, and shall allow them a reasonable compensation.

Notice to
property
owners.

SEC. 7. As soon as convenient, after the passage of this Act, said Commissioners shall publish a notice, for not less than ten days, in one of the daily newspapers printed in the City of San Francisco, informing property owners along the line of said street that the Board is organized, and inviting all persons interested in property sought to be taken, or which would be injured by said opening and establishing, to present to the Board maps and plans of their respective lots, and a written statement of the nature of their claim or interest in such lots. Said Commissioners may also procure abstracts of the title of any of the lots of land taken for said opening and establishing, or liable to be assessed therefor.

Powers and
duties of
Commis-
sioners

SEC. 8. The said Board of Commissioners having prepared and adopted suitable maps, plans, and diagrams, shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land and buildings included in the land taken for the opening and establishing of said Seventh Street, and the damage done to the property along the line of said street. In making said report, said Board shall severally specify and describe each lot and subdivision, or piece of property, taken or injured by the opening and establishing of said street, as far as the owners of the same have furnished an accurate description thereof, and shall set down against each lot, subdivision, or piece of property the names of the owners, occupants, and claimants thereof, or of persons interested therein as lessees, incumbancers, or otherwise, and the particulars of their interest, as far as they can be ascertained, and the amount of value or damage determined upon for the same respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain and set down in a written report a description of the several subdivisions or lots of land included in the districts designated in section four of this Act, and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment of the Board, the said lot has been, or will be, benefited by reason of the opening and establishing of said street, relatively to the benefits accruing to other lots of land within said designated districts. Said Board shall also set against each lot or subdivision, as aforesaid, the names of

Report.

the owners, lessees, and claimants thereof, so far as the same can be ascertained conveniently by said Board; and if not ascertained, shall set them down to unknown owners. Error, however, in the designation of the owner or owners of any lot taken or assessed shall not affect the validity of the assessment. The said Board shall also attach to said report suitable maps, plans, or diagrams, showing the property taken and assessed for said improvement, in lots and subdivisions, with the names of the owners, lessees, and claimants, as far as known to said Board. Such report, as soon as the same is completed, shall be left at the office of said Board daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested; and notice that the same is so open for inspection for such time and such place shall be published by said Board daily for twenty days, in two daily newspapers printed and published in said city and county.

Report to be open for inspection.

SEC. 9. Any person interested in any piece or parcel of land situated within the district defined and described in section four of this Act, or in any of the lands taken for said street, or in any improvements damaged by the opening of said street, feeling himself aggrieved by the action or determination of the said Board, as shown in said report, may, at any time within the thirty days mentioned in section eight of this Act, apply by petition to the County Court of the City and County of San Francisco, setting forth his interest in the proceedings had before said Board, and his objections thereto, for an order on said Board, requiring it to file with said Court the report of said Board, and such other documents or data as may be pertinent thereto, in the custody of said Board, and used by it in preparing said report. Said Court is hereby authorized and empowered to hear said petition, and shall set the same down for a hearing within ten days from the date of the filing thereof; and the party filing said petition shall, on the day he files the same, or within five days thereafter, serve a copy thereof on at least one of the members of the Board of Commissioners, and said Board may appear, by counsel or otherwise, before said Court, in response to said petition. Said Board may file a written answer to said petition with said Court. Testimony may be taken by said Court upon said hearing, and the process of the Court may be used to compel the attendance of witnesses and the production of books, or papers, or maps in the custody of said Board, or otherwise. It shall be in the discretion of said Court, after hearing and considering said application, to allow said order or deny the same; and if granted, a copy thereof shall be served on said Board, and it shall proceed to obey the same according to the terms of the order, to be prescribed by the Court. But in case no such petition shall be filed with said County Court within the time above limited for the filing thereof, the said report shall be presented by the said Board to the said County Court, with a petition to the Court that the same be approved and confirmed by the Court. The Court shall have power to approve and confirm said report, or refer the same back to said Board with directions to alter

Parties who petition Court against confirming report.

Hearing of petition.

Hearing of report.

or modify the same in the particulars specified by the Court in the order referring the same back, and thereupon the said Board shall proceed to make the alterations and modifications specified in the order of said Court. The alterations and modifications aforesaid being made, the report shall be again submitted to said Court, and if the Court, upon examination, shall find that the alterations and modifications have been made according to the directions contained in said order, the said Court shall approve and confirm the same by an order to be entered on its minutes; but if the said Board shall have neglected or failed to make the alterations and modifications set forth in the order of reference, the Court may again refer the report back to said Board, and so on until its original order of alteration and modification shall have been complied with by said Board, and the said Court shall then approve and confirm said report.

Approval.

Damages,
costs, etc.,
how paid.

SEC. 10. All the damages, costs, and expenses arising from, or incidental to, the opening, establishing, grading, macadamizing, and culverting of said street, and the grading, macadamizing, and culverting of the other portions of Seventh Street, mentioned herein, being fixed and determined by the final confirmation of the report, as in this Act provided, and from time to time, as the said work of grading, macadamizing, and culverting said Seventh Street, from said line of King Street to the westerly line of Kentucky Street, progresses, and as the said Board shall deem necessary to speedily complete said work, said Board shall issue and deliver their warrant upon the treasury of the City and County of San Francisco, for such an amount as shall be necessary to pay and discharge all of said damages, costs, and expenses as aforesaid, including for grading, macadamizing, and culverting Seventh Street, from said line of King Street to said line of Center Street, as herein provided, to be paid out of the Seventh Street Fund, save and except the cost and expenses of constructing the bridge mentioned herein.

Compensa-
tion for
lands taken.

SEC. 11. Any person or persons to whom damages shall be awarded according to the provisions of this Act, upon tendering to the said Board a satisfactory deed of conveyance to said city and county, of the land for which said damages were so awarded, shall be entitled to have, and there shall be issued to him, a warrant upon the treasury of the said city and county for an amount equal to the sum of the damages, as awarded for the lands conveyed as aforesaid, together with the damages for the improvements thereon, or affected thereby, to be paid out of the Seventh Street Fund; and the sums so paid shall be accepted, and shall be in full compensation of and for all damages for lands and improvements taken and improvements injured, as contemplated in this Act.

Same.

SEC. 12. The money collected for the purposes of this Act shall be paid to the Treasurer of said city and county, who shall receive and safely keep the same as moneys belonging to said city and county are kept; and said fund shall be known and designated as the Seventh Street Fund. As soon

as said assessment shall have been received, as in this Act provided, the Board of Commissioners shall give public notice in two daily newspapers, published in said city and county, for at least ten days, that they are prepared to pay in full all damages and liabilities fixed by the final report of said Board (and not already discharged); and upon receiving from the parties entitled thereto the proper deeds or proper acquittances from those entitled to compensation, the said Board shall give to such party an order upon the treasury for the amount shown to be due, according to said finally approved report, and the Treasurer shall pay said order out of said Seventh Street Fund.

SEC. 13. The assessment therefor, however, and as hereinafter provided, shall be adjusted and distributed according to the enhanced values of the respective parcels of land as fixed in the said final report by the said Board. The Tax Collector of said city and county shall annually, at the same time and in the same manner as State, city, and county taxes are collected in said city and county, collect all assessments and amounts levied or assessed under this Act, and when collected, shall pay the same over to the Treasurer of said city and county, and shall constitute a part of the Seventh Street Fund, and be paid out by said Treasurer only in payment of the expenses, damages, and liabilities under this Act, as the same becomes due; and there shall be levied, assessed, and collected annually, as in this Act provided, commencing with the year eighteen hundred and seventy-seven, at the same time and in the same manner as said taxes are now, or as they may hereafter be levied, assessed, and collected in said city and county, and upon the same lands, and in accordance with the same rules of assessments upon enhanced values, as provided in this Act and section, an assessment of a sufficient amount to pay all expenses, damages, and liabilities which may be contracted or incurred under the provisions of this Act, and the full completion of the work contemplated herein. The Tax Collector and Treasurer of said city and county shall be held liable on their respective official bonds for the safe-keeping of all moneys collected and received by them, or either of them, under this Act. The Treasurer and Tax Collector shall keep a full and accurate account and record of all their proceedings under this Act, and all books and papers pertaining to matters provided for in this Act shall at all times during office hours be open to public inspection, and all laws which are now applicable to, or that may be hereafter made applicable to the collection of State, city, and county taxes in said city and county, are, and the same are hereby made applicable to the collection of all assessments and amounts of assessments levied or assessed under or by virtue of the provisions of this Act, save and except that the County Court of said city and county shall have exclusive jurisdiction, the same as in "special proceedings," as now defined by law, in all actions, matters, and questions which may arise or be brought before it, under this Act, for hearing or adjudication; the words County Court of the City and County of San Francisco to be

Assessments,
how adjust-
ed, collected,
and applied.

Records of
proceedings.

substituted for the words District Court, whenever the same occurs in any of said laws; and the said County Court shall make all orders and issue all writs which may be necessary to enforce the payment of all moneys and assessments which may be levied or apportioned against any and all lots or parcels of land within said district, as in this Act provided, and judgment may be entered up against such lots or parcels of land, and the owner of any and all lots of land within the said district, upon which the amount of the assessment shall not be paid within the time now limited by law for the payment of State and city and county taxes; and such assessment shall, from the time of the levying thereof, be a lien upon such lot or parcel of land, and shall be sold for the payment of the amount of such assessment and costs, under the judgment of said County Court. All actions to enforce the payment of assessments under this Act shall be brought and prosecuted in the name of the City and County of San Francisco.

Actions.

Block-books,
must show.

SEC. 14. The said Board of Commissioners shall cause block-books to be prepared, exhibiting the district declared herein to be assessable by the opening, grading, macadamizing, and culverting of said street, and the grading, macadamizing, and culverting Seventh Street, from King to Center Street, according to the blocks, or fractional parts of blocks thereof, and the subdivisions according to which the benefits were fixed and determined; also, in convenient book form, descriptions of the several subdivisions shown on said block-books, and shall set opposite to each description of such several subdivisions the amount of benefits or enhanced value to said subdivision as established by said confirmed report, by reason of the opening of said street, and the grading, macadamizing of Seventh Street, from King to Center Street, as herein provided. Said block-books and description note-books shall be certified by the said Board, and then delivered by the said Board to the Assessor of the City and County of San Francisco, in whose office they shall be kept as a part of the records of his office until all the expenses, damages, and liabilities incurred in pursuance of this Act shall have been discharged. Taxes levied to pay the said expenses, damages, and liabilities, in pursuance of the provisions of this Act, shall be appropriated on the lands described in section four of this Act, in strict accordance with the enhanced values of the respective parcels thereof, as established by said confirmed report; *provided, however*, that if there shall be subdivisions made of particular parcels of land, differing from those set forth in the certified copy filed in said Assessor's office, the said Assessor shall have the power, and it is hereby made his duty, to equitably apportion the sum of the benefits upon and according to the new subdivisions of the said particular parcel aforesaid.

Assessor to
apportion
benefits.

Commissioners to
draw warrants for
lands taken.

SEC. 15. In all cases when the owner or owners of any subdivision of land taken for the opening and establishing of said street, or of any improvements destroyed or injured, is or are unknown, or is or are known to be laboring under any legal disability, and in cases where there are liens, or

incumbrances, or leases, or conflicting claims, or disputes, or doubts about the title of any lot or subdivision of land, which cannot be adjusted between the parties in interest, in all such cases it shall be the duty of the Board of Commissioners to draw a warrant on the Treasurer of said city and county, payable out of said Seventh Street Fund, for the amount awarded in each case as the value of the respective lots of land taken for said street, or for damages awarded on account of improvements destroyed or injured by reason of the opening thereof, as fixed in said report, and to deposit said warrant with the County Clerk of said city and county; and thereupon, and on proof of the same, the said Board shall be entitled to be put in possession of such lots of land as shall be taken for said street, in the same manner as provided in section sixteen of this Act, and the title to said lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deed executed by the true owners thereof. Said Board shall also notify the said Treasurer of the drawing of said warrant, and furnish him with a description of the lot referred to by said warrant, and the parties in interest in said lot may proceed against the Treasurer, by bill in equity, for an adjudication to settle the conflicting claims to the same, or to provide for its just and proper distribution, in which suit all parties in interest or dispute shall be made parties, if known. On entry of a final decree of Court in such action, the said County Clerk shall deliver the warrant to the party or parties entitled thereto, according to the order of the Court. The only requisition upon the Treasurer shall be to answer whether he has the money in the Seventh Street Fund to pay the warrant when presented.

SEC. 16. In case any person to whom, or in whose favor, damages shall have been awarded by said Board, shall fail or neglect, for the period of twenty days after there shall be funds to the credit of the Seventh Street Fund sufficient to pay such damages, to ask for and receive from said Board a warrant for the sum so awarded, the said Board may draw a warrant upon said Treasurer in favor of said owner or owners, and deposit the same with the Clerk of said city and county, accompanied by a certificate of said Treasurer that the warrant so drawn and deposited has been registered by him, and that there are funds in his hands to pay the same; and thereupon said Board, on demand, shall be entitled to an order of the County Court, authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said street, and thereupon an execution may issue to the Sheriff of said city and county, in the nature of a writ of *habere facias possessionem*, commanding him to put the said Board in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed, conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to receive the value of the land so conveyed, or the said warrant of the Board therefor.

City may be placed in possession.

Buildings,
etc., to be
removed
within thirty
days.

SEC. 17. Should the owners of any land taken for said street fail or neglect, within the space of thirty days after the money is in the treasury to pay for the same, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board, on tender from said Board to them, respectively, of the sums awarded to them, respectively, by said Board, as the value of such lands, buildings, or improvements, then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidders, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash, or in such warrants of said Board; and if at such auction there shall be no responsible bidder for such improvements, with the obligation to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Seventh Street Fund.

Grading, etc.

SEC. 18. The said street, when opened and established, shall without delay be graded, macadamized, and converted [culverted] by the said Board of Commissioners, in accordance with the provisions of law now or hereafter applicable thereto, and as to the said Board shall seem necessary. The expense of grading, macadamizing, and culverting Seventh Street, from King to Center Street, as herein provided, is included in said assessment, and shall be paid out of said Seventh Street Fund, in like manner as for the opening, grading, macadamizing, and culverting of said street, excepting and reserving therefrom the expense of constructing the bridge herein mentioned, which is to be paid out of the General Fund of the treasurer [treasury] of the City and County of San Francisco.

SEC. 19. The word "persons," when used in this Act, shall be held and construed to include corporations. All warrants shall be payable and all taxes shall be collected in United States gold coin.

SEC. 20. The said Board of Commissioners are hereby authorized and directed to grade to the official grade, as now provided by law, and without delay, that portion of Seventh Street, as now laid down upon said maps, lying between the said line of King Street and the southerly line of Center Street, except that portion thereof used for constructing said bridge, and to macadamize and culvert the same; and the expense of such work is included in said assessments, and shall be paid out of said Seventh Street Fund; and all the foregoing provisions are made applicable to the work contemplated in this section, when not inconsistent therewith.

Draw-
bridge.

SEC. 21. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to construct a draw-bridge, of such capacity, dimensions, and materials as to the said Board of Supervisors shall seem necessary, across Channel Street, as now laid down upon the maps of said city and county, extending from the northerly line of said Channel Street, where Seventh Street intersects the same, to the southerly line of said Channel Street, where Seventh Street intersects the said southerly line thereof, said

bridge to be a free public bridge, and to be suitable for all traveling purposes, and to receive and discharge the waters of the sewer and creek in Mission Bay.

SEC. 22. The said bridge shall be constructed at the same time that the other work contemplated herein shall be completed, or as soon before or after as the same can be constructed; and it shall be on such official grade as to conform to the grade of said Seventh Street; and all costs and expenses of constructing and maintaining said bridge, and the costs and expenses incidental thereto, shall be paid out of the General Fund of the treasury of said city and county.

SEC. 23. When said street shall be opened, established, graded, macadamized, and culverted, and said Seventh Street shall be graded, macadamized, and culverted from King to Center Street, as in this Act provided, the same shall be turned over to the City and County of San Francisco, and thereafter shall be subject [to] the same rules, regulations, and ordinances, and maintained, managed, and improved, as other open public streets in said city and county now are or hereafter may be. When street is opened.

SEC. 24. The State of California does hereby grant to the City and County of San Francisco all lands belonging to said State within the exterior lines of said piece of land taken for a public street, and within exterior lines of Seventh Street, from said King Street to said northerly line of Center Street, for the purposes thereof. State lands.

SEC. 25. All Acts and parts of Acts inconsistent or conflicting with this Act, or any of the provisions thereof, are hereby repealed.

SEC. 26. This Act shall take effect immediately.

CHAP. DX.—[See volume of *Amendments to the Codes.*]

CHAP. DXI.—*An Act to confer on the Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, additional powers.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Trustees of Swamp Land District Number Seventeen, San Joaquin County, shall have power to elect one of their number President thereof, and to elect from the land owners in said district a Treasurer and Secretary, and to employ engineers to survey, plan, locate, and estimate the cost of the work necessary for reclamation of the lands in said district, and the land needed for right of Powers of Trustees.

way, including drains, canals, sluices, water-gates, and embankments, and material for construction, and to construct, maintain, protect, complete, and repair all works necessary to the object in view, and shall have full power to levy assessments for such purposes.

Charges.

SEC. 2. The Board of Trustees must make a list of the charges assessed against each tract of land, containing:

First—A description, by legal subdivision, swamp land surveys, or natural boundaries, of each tract assessed.

Second—The number of acres in each tract.

Third—The names of the owners of each tract, if known, and if unknown, that fact.

Fourth—The amount of charges assessed against each tract.

Charges to be lien.

SEC. 3. The list so made must be filed with the Secretary of the Board of Trustees, and from and after the filing of the list, the charges assessed upon any tract of land within said district constitutes a lien thereon.

Notice of charges.

SEC. 4. The list thus prepared must remain in the office of the Secretary of the Board of Trustees for thirty days, or longer, if ordered by the Board of Trustees, and during that time any person may pay the amount of the charge against any tract of land to the Secretary without cost. All assessments are payable only in United States gold coin. Notice shall be given of the charges made as aforesaid against each tract, piece, or parcel of land, by publication in a newspaper published in said county, for at least thirty days.

Collection of assessments.

SEC. 5. If at the end of thirty days, or of the longer time fixed by the Board of Trustees, all the charges have not been paid, the Board of Trustees must place the list in the hands of an attorney for collection who must at once commence actions against all delinquents for the collection of such delinquent assessments, with legal interest thereon from the time the list was delivered to him, and costs, and for the enforcement of the lien on the land assessed, in the District Court of the county in which the same is situated, against the person to whom the same is assessed, and if assessed to unknown owners, then against the land so assessed, and all persons, known or unknown, having or claiming any interest therein. Service of complaint and summons in such actions may be made in the manner prescribed by the Code of Civil Procedure. In case of a suit brought for the recovery of an assessment made against unknown owners and their lands, the summons shall be served by publication for at least four consecutive weeks in a newspaper published in the county.

Sales of property.

SEC. 6. In such actions the Court may decree and adjudge a lien against the tracts assessed and order them to be sold on execution or decree as in other cases of sale of real estate. The judgment for decree must direct that the sale be made for gold or silver coin of the United States. The moneys collected must be paid to the Treasurer of the Board of Trustees.

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

CHAP. DXII.—[See volume of *Amendments to the Codes.*]

CHAP. DXIII.—[See volume of *Amendments to the Codes.*]

CHAP. DXIV.—[See volume of *Amendments to the Codes.*]

CHAP. DXV.—*An Act to provide for the appointment of Commissioners of Transportation, to fix the maximum charges for freights and fares, and to prevent extortion and discrimination on railroads in this State.*

[Approved April 3, 1876.]

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

CHAPTER ONE.

SECTION 1. On or before the fifteenth day of May, eighteen hundred and seventy-six, the Governor shall appoint three competent persons, to be styled Commissioners of Transportation, who shall hold office for the period of two years and until their successors are appointed and qualified. The persons who are so appointed shall have no official connection with, nor be in the employ of any railroad corporation or company, nor shall they, during their term of office, own or be interested in the stock, bonds, or other property thereof. Said Commissioners shall have their office in the State Capitol building, at Sacramento.

Governor to appoint three Commissioners.

Commissioners to be disinterested parties

SEC. 2. Before entering upon the discharge of the duties of their office, each of said Commissioners shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully and honestly discharge his duty as such Commissioner, and that he is not an officer, stockholder, or employé of any railroad, or in any way interested therein, or a stockholder, officer, or employé, or in any way interested in any express or freight company doing business on any of the railroads in the United States, and the said Commissioners shall be citizens of this State; they shall each execute and file with the Secretary of State an official bond, with good and sufficient sureties, to be approved by the Governor, in the penal sum of ten thousand dollars, conditioned for the faithful performance of their duties under this Act.

Oath of Commissioners.

Bond.

Salaries.

SEC. 3. The salary of each Commissioner shall be three thousand dollars per annum, to be paid by the State of California in the same manner as the salary of other State officers are paid. They shall have power to elect one of their number President of said Board, to employ a Secretary at a salary of not exceeding eighteen hundred dollars per annum, and shall be allowed a contingent fund of not exceeding twenty-five dollars per month to defray the necessary expenses of fuel and stationery; the Commissioners and their Secretary shall be transported, in the discharge of their duties, over the various railroads owned by corporations within this State, free of charge.

May employ Secretary.

Fuel and stationery.

Commissioners to examine roads, bridges, etc. and report needed repairs.

SEC. 4. It shall be the duty of such Commissioners, whenever they shall deem it necessary, to inspect all railroads, operated by steam power, within this State, and to examine the same with reference to the security and accommodation of the public; and if, on such examination, in their opinion any of the tracks, bridges, or other structures or works thereof, are unfit for the transportation of passengers with reasonable safety, it shall be their duty to give to the Superintendent, or other executive officer of the company working or operating said defective track, bridge, or other structure, notice of the condition thereof and the repairs necessary to place the same in a safe condition; and if any Superintendent, or other executive officer aforesaid, receiving such notice and order, shall willfully neglect to commence repairing the same for the period of two days after receiving such notice and order, such Superintendent, or other executive officer, shall be deemed guilty of a misdemeanor.

Willful neglect to repair, a misdemeanor.

Petitions for stations, side-tracks, etc.

SEC. 5. Whenever a petition, signed in good faith by fifty or more property-holders residing within ten miles of any proposed station, switch, or side-track, shall be presented to the Commissioners, praying for the establishment of a new station, switch, or side-track, the Commissioners shall notify the managers of such railroad of such petition, and appoint a time and place for hearing the same. Should the corporation neglect or refuse to comply with the award of the Commissioners, it shall forfeit the sum of one hundred dollars per day from the time fixed by the Commissioners for the completion of the work required, until such work shall be actually completed, to be recovered to the use of the State by suit instituted by said Commissioners in any Court of competent jurisdiction; *provided*, that said Commissioners shall not require such new station, switch, or side-track to be established within less than six miles of one already established.

Hearing of same, award.

Action against corporation, on refusal to comply with award.

Commissioners to serve copy of Act upon corporations.

SEC. 6. Within thirty days after the appointment of said Commissioners, they shall cause a copy of this Act to be served upon every such railroad corporation engaged in the business of transportation within this State; within ten days after the receipt of such notice, it shall be the duty of such corporation respectively to file with the Commissioners, and in the office of the Secretary of State, and in the office of the County Clerk of each county in which the road is located, a copy, verified by the oath or affirmation of the President, or other chief executive officer, of all and singular the tariffs and

Corporations to file statements within ten days.

rates of freight, passage money, commutation rates and charges, together with copies of all their rules, regulations, and instructions to employés, concerning the carriage of persons and merchandise, under which the road was being operated on the first day of January, eighteen hundred and seventy-six; and it shall not be lawful for any of said corporations to increase any rates of freight or passage, or to raise the classification of any species of goods, or to change any rule or instruction to employés in such manner as to increase the cost of transportation over and above the rates charged in such tariff or in use on the first day of January, eighteen hundred and seventy-six; *provided, nevertheless*, that any such railroad company may issue excursion tickets at reduced rates, for special trains, or between certain places, and for a fixed time.

Certain rules, rates, etc., not to be increased.

SEC. 7. The several transportation companies or corporations operating any railroad in this State, the cars on which are propelled by steam, shall at all times, on demand, furnish to the Commissioners any and all information required of them, concerning the condition, management, and operation of the railroads under their control respectively, and particularly with copies of all leases, contracts, and agreements for transportation with express companies or otherwise, to which they are parties. The Commissioners shall cause blanks to be prepared proposing questions calculated to elicit facts and statistics, from which may be deduced the results hereinafter specified as necessary to be accurately known by the people and the Legislature; such blanks shall be furnished to the several corporations in season to be filled in and returned to the Commissioners on or before the first day of October of each year. They shall be sworn to by the President or other executive officer, and by the Auditor, Secretary, or principal book-keeper of the corporation making the same, respectively. They shall be tabulated by the Commissioners, and the reports, together with the tabulations thereof and the deductions therefrom, and the record of all the matters herein required to be reported to the Legislature, with the drafts of all such bills as the Commissioners desire to recommend for passage, shall be submitted to the Legislature on the first day of the next session thereof.

Railroad companies to furnish information to Commissioners

Reports of companies to be submitted to Legislature.

SEC. 8. It is hereby made the duty of the President, or other executive officer, in charge of each and every railroad company having a line of railroad in this State, to make an annual report to the Commissioners for the year ending on the thirtieth day of June preceding, which report shall state:

Annual reports of companies must state

Stock and debts.

1. The amount of capital stock paid in.
2. The amount of capital stock unpaid.
3. The amount of funded debt.
4. The amount of floating debt.

Cost of road and equipments.

Annual reports of companies must state.

5. Cost of construction.
6. Cost of right of way.
7. Cost of equipment.
8. All other items embraced in cost of road and equipment, not embraced in the preceding schedule.

Characteristics of road.

9. Length of single main track laid with iron or steel.
10. Length of double main track.
11. Length of branches, stating whether they have single or double track.
12. Aggregate length of sidings and other tracks not above enumerated; total length of iron embraced in preceding heads.
13. Maximum grade, with its length in main road, and also in branches.
14. The shortest radius of curvature and locality of each curve, with length of curve in main road, and also in branches.
15. Total degrees of curvature in main road, and also in branches.
16. Total length of straight line in main road, and also branches.
17. Number of wooden bridges, and aggregate length in feet.
18. Number of iron bridges, and aggregate length in feet.
19. Number of stone bridges, and aggregate length in feet.
20. Number of wooden trestles, and aggregate length in feet.
21. The greatest age of wooden bridges.
22. The average age of wooden bridges.
23. The greatest age of wooden trestles.
24. The number and kind of new bridges built during the year, and length in feet.
25. The length of road unfenced on either side, and the reason therefor.
26. Number of engines.
27. Number of passenger cars.
28. Number of express and baggage cars.
29. Number of freight cars.
30. Number of other cars.
31. The highest rate of speed allowed by express passenger trains when in motion.
32. The highest rate of speed allowed by mail and accommodation trains when in motion.
33. The highest rate of speed allowed by freight trains when in motion.
34. The rate of fare for through passengers charged for the respective classes per mile.
35. The rate of fare for local passengers charged for the respective classes per mile.
36. The highest rate per ton per mile charged for the transportation of the various classes of through freight.

37. The highest rate per ton per mile charged for the transportation of the various classes of local freight.

Annual reports of companies must state.

Doings of the year.

- 38. The length of new iron or steel laid during the year.
- 39. The length of re-rolled iron laid during the year.
- 40. The number of miles run by passenger trains.
- 41. The number of miles run by freight trains.
- 42. The number of through passengers carried in cars.
- 43. The number of local passengers carried in cars.
- 44. The number of tons of through freight carried.
- 45. The number of tons of local freight carried.

Earnings for the year.

- 46. From transportation of through passengers.
- 47. From transportation of local passengers.
- 48. From transportation of through freight.
- 49. From transportation of local freight.
- 50. From mail and express.
- 51. From all other sources; total earnings for the year.

Expenditures for the year.

- 52. For construction and new equipment.
- 53. For maintenance of way and structures.
- 54. For transportation expenses, including those of stations and trains.
- 55. For dividends: rate per cent. and amount.
- 56, 57, 58, 59, 60. All other expenditures.
- 61. Total expenditures during the year.
- 62. The number and kind of farm animals killed, and amount of damages paid therefor.
- 63. A statement of all casualties resulting in injuries to persons, and the extent and cause thereof; and such other and further information as may be required by the Commissioners.

SEC. 9. Any transportation company, subject to the provisions of this Act, which shall neglect or refuse to make and file its report, as provided in section eight of this Act, or shall neglect or refuse to file its tariffs of freights and fares with the Commissioners, as provided in section six of this Act, shall forfeit and pay to the State of California the sum of not less than one hundred nor more than one thousand dollars for each and every day of such neglect or refusal, the same to be recovered by suit in any Court of competent jurisdiction.

Penalty for neglect to comply.

SEC. 10. All prosecutions against any transportation company, railroad company, or any officer or employé thereof, for forfeitures, penalties, or fines, for the violation of any of the laws relating to said companies or roads, shall be by action in the name of the people of the State of California, and it shall be the duty of such Commissioners to bring in any Court of competent jurisdiction all such actions.

Prosecution.

Commissioners may examine books of companies.

SEC. 11. Each Commissioner shall have power, thereunto authorized by the Board, to examine the books and papers of any railroad corporation or line, and, also, any railroad officer, agent, or employé, under oath, concerning the condition, management, and operation of the railroads under their direction and control; and it is hereby made the duty of the Superintendent of each transportation and railroad company in the State to notify said Commissioners, by telegraph, of all accidents, immediately upon their occurrence.

Superintendent to give notice of accidents.

Commissioners may fix route in cities and towns.

SEC. 12. Whenever the Directors of any railroad company shall fail to agree with the municipal authorities of any town or city, as to the route of their railroad in any such town or city, either party may petition the Commissioners of Transportation to fix the route in said town or city, and said Commissioners, after due notice to the other party, shall hear the case, and fix the route in such town or city.

Certain cases to be decided by Commissioners.

SEC. 13. It shall be the duty of the Commissioners of Transportation, upon the petition of either party, after twenty days' notice to the other, to hear and decide the following cases: The compensation to be paid by one railroad to another for transporting passengers, merchandise, and cars. To fix such periods and time-tables, having reference to the convenience and interest of the corporation, and the public to be accommodated thereby. To determine what accommodations are required; and, also, the compensation to be paid for the use of terminal accommodations, and for the receiving, transferring, and forwarding of passengers and freight.

Awards of Commissioners to be binding.

SEC. 14. Any award made by the Commissioners of Transportation shall be binding upon the respective corporations and parties interested therein; until the same shall have been revised or altered by said Commissioners, or reversed on appeal to the Supreme Court, as hereinafter provided.

Awards subject to revision.

SEC. 15. Any award made by the Commissioners of Transportation shall be returnable, with the evidence, on the request, in writing, of any party affected thereby, and filed, within thirty days after rendering of such award, in the County Court of the county in which the controversy arose, and shall be there subject to revision, in the same manner as if the said Commissioners had derived their power to act in the premises under the appointment of said Court, with the right of appeal to the Supreme Court, as in other cases.

Suits to recover penalties.

SEC. 16. It shall be the duty of the District Attorneys of the several counties within, into, or through which any railroad runs, or is located, or worked, upon being instructed by said Commissioners, to sue for and recover all penalties for the violation of the railroad laws of this State.

Class of railroads liable.

SEC. 17. The provisions of this Act shall be applicable to railroads, the cars of which are propelled by steam, now or hereafter to be operated by corporations, trustees, companies, or individuals, in this State.

Printing of report.

SEC. 18. There shall be printed two thousand five hundred copies of the report of the Commissioners of Transportation.

SEC. 19. The Governor shall remove the Commissioners of Transportation at any time, when he becomes satisfied that it is for the public good.

Governor may remove Commissioners.

CHAPTER TWO.—OF EXTORTION AND DISCRIMINATION.

SECTION 1. A railroad company shall be deemed guilty of extortion in the following cases:

First—When it shall knowingly or willfully charge, demand, or receive from any passenger, as his fare from one station or place to another, any greater sum than is specified as the fare between such stations or places, for the same class of passage and in the same direction, in its tariff of fares on file with the Board of Transportation Commissioners.

Extortion defined.

Second—When it shall knowingly or willfully charge, demand, or receive from any person or persons, as the rate of freight on goods or merchandise, any greater sum than is specified as the rates for the like quantity of goods or merchandise of the same class, between the same places and in the same direction, in its printed tariff of freights on file with said Commissioners.

Third—When it shall knowingly or willfully charge, collect, or receive from any person or persons, a greater amount of rate of toll or compensation than it shall at the same time charge, collect, or receive from any other persons for receiving, handling, storing, or delivering freight of the same class and like quantity, at the same place.

Fourth—When it shall knowingly or willfully charge, demand, or receive from any person or persons, any greater sum for passage or freight than from any other person or persons, at the same time, between the same places, in the same direction, for the same class of passage, or for the like quantity of goods of the same class.

Fifth—When it shall knowingly or willfully charge, demand, or receive as compensation for receiving, storing, handling, or delivering, or for transporting any lot of goods or merchandise, any greater sum than it shall, by or through any of its authorized agents, wherever situated, have agreed to charge for such service previously to the performance thereof.

SEC. 2. A railroad company shall be deemed guilty of unjust discrimination in the following cases:

Unjust discrimination defined.

First—When it shall directly, knowingly, or willfully charge, demand, or receive from any person or persons, any less sum for passage or freight than from any other person or persons (except as in this Act hereinafter provided), at the same time, between the same places, and in the same direction, for the like class of passage, or for the like quantity of goods of the same class.

Second—When it shall, directly or indirectly, knowingly or willfully charge, demand, or receive from any person or persons, as compensation for receiving, handling, storing, or delivering any lot of goods or merchandise, any less sum than it shall charge, collect, or receive from any other person or persons, for the like service, to a like quantity of goods of the same class, at the same place.

Free passes. SEC. 3. It shall be unlawful for any such railroad company to grant free passes for travel within this State, except to the following persons:

First--Directors, officers, agents, and employes of the company, and their families.

Second--Officers and agents and railroad contractors of other railroads or telegraph companies.

Third--Destitute persons.

Fourth--The members of the Board of Transportation Commissioners of the State of California, their Secretary, attorney, and employes, while traveling in the discharge of their official duties.

Fifth--Public messengers, troops, and other persons, who are, under existing laws or any contract of such railroad company with this State, to be transported free of charge.

Railroad companies to keep record of free passes

Every such railroad company shall keep a record of all free passes issued by it, except such as are issued by it to officers, agents, employes, and their families, and of the several classes thereof, and of the number of times each pass shall be used, and shall report the same to the Transportation Commissioners whenever required.

Penalty for extortion

SEC. 4. If any such railroad company shall be guilty of extortion, as defined in this Act, it shall forfeit and pay to the person or persons aggrieved three times the amount of the damages sustained by him or them, together with the costs of suit, to be recovered in any Court of competent jurisdiction. It shall be the duty of the Board of Transportation Commissioners to prosecute all such suits for the plaintiff.

Penalty for discrimination

SEC. 5. If any such railroad company shall be guilty of unjust discrimination, as defined in section two of this chapter, it shall forfeit and pay the sum of one thousand dollars for each offense, to be recovered on complaint of the Board of Transportation Commissioners, as in the last section provided. All forfeitures under this section shall be paid into the State treasury for the benefit of the public schools of the State.

Penalty for unlawful issue of passes

SEC. 6. Any such railroad company that issues free passes to any person or persons other than those specified in section three of this chapter, or shall permit any person whatever to travel free upon their cars, except upon the exhibition of free passes issued as provided in said section, shall forfeit and pay for each offense the sum of one hundred dollars, to be recovered and paid over, one-half to the State Treasurer, and the other half to the informer, as in the last section provided.

Prosecutions for violation

SEC. 7. Whenever it shall come to the knowledge of the Board of Transportation Commissioners that the provisions of this Act are violated by any such railroad corporation in this State, it shall be their duty to investigate the charge; and whenever, in their judgment, the facts warrant prosecution, it shall be their duty to immediately cause suits to be commenced and prosecuted against any such corporation which shall have been guilty of such violation. Such suits may be brought in any Court of competent jurisdiction.

All such suits shall be prosecuted by the District Attorney of the county where such action is brought. Suits, how brought

SEC. 8. Any person traveling upon any such railroad in this State, desiring to stop over at any station between the point of his departure and destination, shall, upon request, be entitled to receive from the conductor of the train, without further charge thereon, a stop-over ticket, which shall be good for the remainder of his journey, and may be used at any time within six months after it shall have been issued. Stop-over tickets

SEC. 9. The provisions of this Act shall be deemed applicable to such railroads as herein mentioned, whether operated by corporations, trustees, or owner or owners not incorporated. Act, how applied.

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

CHAP. DXVI.—*An Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of the State.*

[Approved April 3, 1876.]

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

SECTION 1. It is hereby recommended to the electors of the State, at the first general election for members of the Legislature had after the passage of this Act, to vote for or against calling a Convention to revise and change the Constitution of this State. The ballots used at such election shall contain the words "For the Convention," or the words "Against the Convention," written or printed thereon; and the Inspector, and the Judges of Election, at each and every poll in the State, shall ascertain and make return of the number of votes cast in favor of a Convention, and the number of votes cast against a Convention as aforesaid, in like manner, and with the same particularity, as other votes are required by law to be counted and returned; and an abstract thereof shall be transmitted by each and every County Clerk of the State to the Secretary of State, in the same manner and at the time that votes for State officers are now by law required to be transmitted. Electors to vote on question. Form of ballots.

SEC. 2. The Secretary of the State shall prepare and lay before the Senate and Assembly, at the commencement of the next session of the Legislature, a complete abstract of the whole number of votes cast "for" and "against" a Convention.

CHAP. DXVII.—[See volume of *Amendments to the Codes*.]

CHAP. DXVIII.—*An Act to regulate the practice of medicine in the State of California.*

[Approved April 3, 1876.]

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

Qualifications of practitioners.

SECTION 1. Every person practicing medicine in any of its departments shall possess the qualifications required by this Act. If a graduate in medicine, he shall present his diploma to the Board of Examiners, herein named, for verification as to its genuineness. If the diploma is found genuine, and if the person named therein be the person claiming and presenting the same, the Board of Examiners shall issue its certificate to that effect, signed by all of the members thereof, and such diploma and certificate shall be conclusive as to the rights of the lawful holder of the same to practice medicine in this State. If not a graduate, the person practicing medicine in this State shall present himself before said Board, and submit himself to such examinations as the said Board shall require, and if the examination shall be satisfactory to the Examiners the said Board shall issue its certificate in accordance with the facts, and the lawful holder of such certificate shall be entitled to all the rights and privileges herein mentioned.

Examiners, qualifications of.

SEC. 2. Each State Medical Society incorporated and in active existence on the tenth day of March, eighteen hundred and seventy-six, whose members are required to possess diplomas or licenses from some legally chartered medical institution in good standing, shall appoint, annually, a Board of Examiners, consisting of seven members, who shall hold their office for one year, and until their successors shall be chosen. The Examiners so appointed shall go before a County Judge and make oath that they are regular graduates and licentiates, and that they will faithfully perform the duties of their office. Vacancies occurring in a Board of Examiners shall be filled by the society appointing it, by the selection of alternates or otherwise.

Powers and duties of Examiners.

SEC. 3. The Board of Examiners shall organize within three months after the passage of this Act. They shall procure a seal, and shall receive, through their Secretary, applications for certificates and examinations. The President of each Board shall have authority to administer oaths, and the Board take testimony in all meetings relating to their duties. They shall issue certificates to all who furnish satisfactory proof of having received diplomas or licenses from legally chartered medical institutions in good standing. They shall prepare two forms of certificates, one for persons in possession of diplomas or licenses, the other for candidates examined by the Board. They shall furnish to the County Clerks of the several counties a list of all persons receiving certificates. In selecting places to hold their meetings, they shall, as far as is reasonable, accommodate applicants residing in different sections of the State, and due notice shall be

published of all their meetings. Certificates shall be signed by all the members of the Board granting them, and shall indicate the medical society to which the Examining Board is attached.

SEC. 4. Said Board of Examiners shall examine diplomas as to their genuineness, and if the diploma shall be found genuine as represented, the Secretary of the Board of Examiners shall receive a fee of one dollar from each graduate or licentiate, and no further charge shall be made to the applicants; but if it be found to be fraudulent or not lawfully owned by the possessor, the Board shall be entitled to charge and collect twenty dollars of the applicant presenting such diplomas. The verification of the diplomas shall consist in the affidavit of the holder and applicant, that he is the lawful possessor of the same, and that he is the person therein named; such affidavit may be taken before any person authorized to administer oaths, and the same shall be attested under the hand and official seal of such officer, if he have a seal. Graduates may present their diplomas and affidavits, as provided in this Act, by letter or by proxy, and the Board of Examiners shall issue its certificate the same as though the owner of the diploma was present. Same, fees.

SEC. 5. All examinations of persons not graduates or licentiates shall be made directly by the Board, and the certificates given by the Boards shall authorize the possessor to practice medicine and surgery in the State of California; but no examination into the qualifications of persons not holding diplomas or licenses shall be made after the thirty-first day of December, eighteen hundred and seventy-six. After that date no certificates shall be granted by them, except to persons presenting diplomas or licenses from legally chartered medical institutions in good standing. Examination of applicants.

SEC. 6. Every person holding a certificate from a Board of Examiners shall have it recorded in the office of the Clerk of the county in which he resides, and the record shall be indorsed thereon. Any person removing to another county to practice shall procure an indorsement to that effect on the certificate from the County Clerk, and shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay to the County Clerk the usual fees for making the record. Certificates to be recorded.

SEC. 7. The County Clerk shall keep, in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of issue and the name of the medical society represented by the Board of Examiners issuing them. If the certificate be based on a diploma or license he shall record the name of the medical institution conferring it, and the date when conferred. The register of the County Clerk shall be open to public inspection during business hours. Clerk to keep register.

SEC. 8. Candidates for examination shall pay a fee of five dollars in advance, which shall be returned to them if a certificate be refused. The fees received by the Board shall be paid into the treasury of the medical society by which the Board shall have been appointed, and the expenses and Fees for examination.

compensation of the Board shall be subject to arrangement with the society.

Examina-
tions.

SEC. 9. Examinations may be in whole or in part in writing, and shall be of an elementary and practical character, but sufficiently strict to test the qualifications of the candidate as a practitioner.

Refusal and
revocation of
certificates.

SEC. 10. The Boards of Examiners may refuse certificates to individuals guilty of unprofessional or dishonorable conduct, and they may revoke certificates for like causes. In all cases of refusal or revocation the applicant may appeal to the body appointing the Board.

Definition of
"physician."

SEC. 11. Any person shall be regarded as practicing medicine, within the meaning of this Act, who shall profess publicly to be a physician and to prescribe for the sick, or who shall append to his name the letters of "M. D." But nothing in this Act shall be construed to prohibit students from prescribing under the supervision of preceptors, or to prohibit gratuitous services in cases of emergency. And this Act shall not apply to commissioned surgeons of the United States army and navy practicing within the limits of this State.

Licenses.

SEC. 12. Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind intended for the treatment of disease or injury, or who shall, by writing or printing, or any other method, publicly profess to cure or treat diseases, injury or deformity, by any drug, nostrum, manipulation, or other expedient, shall pay a license of one hundred dollars a month, to be collected in the usual way.

Penalties for
violation.

SEC. 13. Any person practicing medicine or surgery in this State without complying with the provisions of this Act, shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the County Jail for a period of not less than thirty days nor more than three hundred and sixty-five days, or by both such fine and imprisonment, for each and every offense. And any person filing, or attempting to file, as his own, the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery.

SEC. 14. This Act shall take effect from and after its passage, but the penalties shall not be enforced till on and after the thirty-first day of December, eighteen hundred and seventy-six.

CHAP. DXIX.—*An Act for the relief of J. J. Conlin.*

[Approved April 3, 1876.]

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

Claims
allowed.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to appropriate

out of the General Fund of said city and county the sum of two thousand five hundred and fifty-seven dollars and sixty-seven cents, which amount remains due on assessments for constructing a brick sewer in Ritch Street, from Brannan to Townsend Streets; also, in the crossing of Ritch and Townsend Streets.

SEC. 2. The Auditor of said City and County of San Francisco is hereby authorized and directed to audit, and the Treasurer of said City and County of San Francisco is hereby authorized and directed to pay, to the said J. J. Conlin, the aforesaid sum of two thousand five hundred and fifty-seven dollars and sixty-seven cents, out of the General Fund of said city and county, upon the order of said Board of Supervisors authorizing the same. Payment.

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

CHAP. DXX.—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to have the streets in said city and county kept clean, in the following manner: From the first of October to the first of April, in each year, they may employ not to exceed twenty horses and carts, with drivers, and twenty-five additional men, as scrapers and sweepers; and from the first of April to the first of October, in each year, fifteen horses and carts, with drivers, and twenty additional men, as scrapers and sweepers. Supervisors to have streets cleaned.

SEC. 2. The Board of Supervisors shall appoint two competent persons to superintend said work, at a salary not to exceed one hundred dollars per month per man. Said Superintendents shall each day report, at the office of Superintendent of Public Streets, the names of all men, and men and teams employed the previous day, and where employed. The report shall also contain the license number on said carts employed. Superintendents, salaries of.

SEC. 3. The Board of Supervisors are hereby authorized and empowered to employ not to exceed ten men and three horses, carts, and men, to clean out and remove all sand and dirt that may accumulate in the public sewers. Sewers.

SEC. 4. The said Board are hereby authorized and empowered to appoint a suitable person to take charge of the work named in section three of this Act, who shall receive a salary not to exceed one hundred dollars per month; said person shall report each day to the Superintendent of Public Streets, as required in section two of this Act. Salary of Superintendent of work.

SEC. 5. All the work specified in this Act shall be done

under the supervision of the Street Committee of the Board of Supervisors and of the Superintendent of Public Streets of the City and County of San Francisco.

SEC. 6. The Board of Supervisors are hereby invested with full power and authority to cause the persons sentenced or committed to the House of Correction to be employed in cleaning the public streets, highways, and sewers of said City and County of San Francisco.

SEC. 7. This Act shall take effect immediately.

CHAP. DXXI.—*An Act to provide for the payment of the claim of John Bruener [Breuner].*

[Approved April 3, 1876.]

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

Appropriation

SECTION 1. The sum of six hundred and fifty dollars is hereby appropriated, out of any money in the General Fund of the State treasury not otherwise appropriated, to pay the claim of John Bruener [Breuner] for a balance due him on account for making drawings for and constructing mineral cabinet cases for the State Cabinet; *provided*, that the acceptance by the said John Bruener of the sum herein appropriated shall be an express waiver by him of all claims and demands he has against the State for work and labor done, materials furnished, or damages and injuries sustained by reason of change of plans, making drawings for, and constructing the mineral cabinet cases in this Act specified.

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

CHAP. DXXII.—*An Act to authorize James McClatchy to sue the County of Sacramento.*

[Approved April 1, 1876.]

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

Granting authority to sue Sacramento County.

SECTION 1. James McClatchy, late Sheriff and ex officio Tax Collector of Sacramento County, is authorized and empowered to bring and maintain a suit at law against said county, to recover such sums as he may have paid into the treasury thereof as ten per cent. of his fees as such ex officio Tax Collector. The statute of limitations shall not apply to said suit. The amount of judgment, if any, in his behalf, shall be paid by the Treasurer of said county out of any moneys in the General Fund not otherwise appropriated;

provided, that the Court in which the suit is brought shall determine that the money so paid, if any, into the county treasury was not required by law to be so paid.

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

CHAP. DXXIII.—[See volume of *Amendments to the Codes*.]

CHAP. DXXIV.—*An Act supplementary to an Act entitled an Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom, approved March sixteenth, eighteen hundred and seventy-four.*

[Approved April 1, 1876.]

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

SECTION 1. County Treasurers to whom a list is sent from the County of Calaveras, under the provisions of the above-mentioned Act, shall make out a demand against the Treasurer of the County of Calaveras, for such a portion of one-half of the tax assessed and collected for county purposes as would have been assessed and collected at the rate of taxation in the county making the demand, had the property been assessed therein.

Apportion-
ment of
assessments.

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

CHAP. DXXV.—[See volume of *Amendments to the Codes*.]

CHAP. DXXVI.—*An Act to amend an Act entitled an Act to extend the Act of April twenty-first, eighteen hundred and fifty-six, approved April first, eighteen hundred and sixty-four.*

[Approved April 1, 1876.]

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 extend the Act of April twenty-first, eighteen hundred and fifty-six,

Former Act
made applic-
able to
certain
counties.

is amended so as to read as follows: Section 1. The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and amended March fourth, eighteen hundred and fifty-seven, to extend to the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino, Sutter, Santa Barbara, San Luis Obispo, Los Angeles, and Tuolumne, is hereby extended to and made applicable to the Counties of Placer, Plumas, and Lassen; *provided*, that nothing in said Acts or this Act shall be construed to prohibit owners of hogs from allowing the same to run at large in the Town of Milford, County of Lassen, or anywhere in said county, within six miles of said town, between the tenth day of September and the first day of March following.

CHAP. DXXVII.—*An Act to provide for an examination into the sale and disposal of State lands.*

[Approved April 1, 1876.]

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

Governor to
appoint
Commissioners.

SECTION 1. Within sixty days after the passage of this Act the Governor shall appoint three suitable persons, who shall constitute a Commission for the purposes hereinafter mentioned, and shall be known as the State Land Commission, and shall hold office for the period of one year from and after their appointment by the Governor.

Commissioners to
qualify and
organize.

SEC. 2. The Commissioners appointed under the provisions of section one of this Act shall, within thirty days after their appointment, meet at some convenient place in the City of Sacramento or the City of San Francisco, and shall take an oath in writing before a Notary Public, or other officer duly authorized to administer oaths, to faithfully perform the duties enjoined by the provisions of this Act, and shall thereupon organize by the election of a Chairman and Secretary from the members of the Commission, and shall forthwith proceed to the investigations provided for by this Act. It shall be the duty of said Commission:

Duty of Com-
missioners.

First—To ascertain all grants made by the United States to this State.

Second—To examine all titles issued by this State, together with the manner in which such titles have been issued.

Third—To ascertain the names of all parties to whom the State has issued titles for more than three hundred and twenty acres, together with the number of acres in excess of this amount sold to any one person, and to ascertain whether such sales have been made for parties directly or through attorneys.

Fourth—To ascertain the amount of Controller's warrants outstanding against the several reclamation districts, together with their mode of issue and the consideration received therefor by the district upon which they were made a lien.

Fifth—To investigate the affairs of the Surveyor-General's office from the time of the organization thereof.

Sixth—To make such examinations into any and all matters connected with the disposal and sale of State lands as shall be deemed to promote the best interests of the State.

SEC. 3. It is hereby made the duty of the Attorney-General to render such professional assistance, not incompatible with his other official duties, as the Commission may require. The Commission may employ an attorney-at-law versed in the land laws of this State, to assist in the investigations provided for in this Act, at an expense not to exceed two hundred and fifty dollars per month while so employed.

Attorney-General to and Commissioners.

SEC. 4. The Commissioners shall have power to administer oaths, to send for books and papers, and to compel the attendance of witnesses, and for the necessary purposes of their investigations shall have access to the files and records of all State offices.

Powers of Commissioners.

SEC. 5. The Commission shall report to the Governor from time to time, as the public interests may require, and shall make a full and complete report of all their proceedings to the Legislature at its next regular session.

Reports of same.

SEC. 6. The Commission shall provide proper offices and furniture for its own use, at an expense not exceeding nine hundred dollars per annum, and for contingent expenses not to exceed twenty-five dollars per month.

Expenses of Commission.

SEC. 7. An itemized account of the expenses of the Commission, including office rent, light, fuel, salaries, and other necessary expenses, together with the amounts expended in procuring witnesses, and other testimony touching the investigation herein provided for, shall be made monthly to the Board of Examiners, verified by the oath of the Chairman of the Commission.

Same, report to Board of Examiners.

SEC. 8. The members of said Commission shall be paid a salary of two hundred dollars per month each.

Salaries.

SEC. 9. The Board of Examiners shall audit the accounts of the Commission, and when found correct shall order the Controller of State to draw his warrants for the several accounts found due, in favor of the persons to whom the same are due respectively.

Board of Examiners to audit accounts.

SEC. 10. The Controller of State is hereby directed to draw his warrant upon the State treasury for the several amounts audited by the Board of Examiners, in favor of the persons to whom the same are due respectively, and the State Treasurer is hereby required to pay the same out of the General Fund in the State treasury.

Controller to draw warrants.

SEC. 11. This Act shall take effect immediately.

CHAP. DXXVIII.—*An Act to prevent hogs, goats, and cows, running at large in the Town of Washington, Yolo County.*

[Approved April 1, 1876.]

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

Constable to
take up
animals.

SECTION 1. From and after the passage of this Act it shall be unlawful for cows, hogs, and goats to run at large within the limits of the Town of Washington, Yolo County, and it shall be the duty of the Constable of said Township of Washington to take up all cows, hogs, and goats, running at large within the limits of said town.

Notice to
owners.

SEC. 2. The Constable shall notify the owner of such animal or animals, taken up under the provisions of this Act, by giving notice in writing to the owner or owners, if they are known to him, and if unknown, he shall post written notices in at least three conspicuous places in the said Town of Washington, for the period of five days. The notices shall give a description of the animal or animals, and shall state that they have been taken up under the provisions of this Act, and will be sold at public auction, if not redeemed within five days; if, after the expiration of the five days' notice by posting, the owner or owners of such animal or animals has not paid the charges hereinafter provided, the Constable shall proceed to sell said animal or animals at public auction, and out of the money arising from said sale he shall deduct for his services the sum of fifty cents per head for taking up said animals, and twenty cents per day for keeping, and the residue shall be paid by the Constable, upon demand, to the owner or owners of such animal or animals, if demanded within thirty days from the date of sale, otherwise it shall, at the expiration of said thirty days, be paid into the county treasury of Yolo County, and be placed to the credit of Washington School District, and become a part of the fund of said district.

Fee.

Misde-
meanor.

SEC. 3. Any Constable purposely refusing or neglecting to take up all such cows, hogs, and goats running at large within the limits of said town site, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than five nor more than twenty dollars.

SEC. 4. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town.

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

CHAP. DXXIX.—[See volume of *Amendments to the Codes.*]

CHAP. DXXX.—*An Act to consolidate Rattlesnake School District, in Placer County, with Wild-goose School District, in El Dorado County.*

[Approved April 1, 1876.]

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

SECTION 1. Rattlesnake School District, in the County of Placer, and Wild-goose School District, in the County of El Dorado, are hereby consolidated and united into one district, to be known as Consolidated District. Two of the Trustees of said Consolidated District shall be appointed by the County Superintendent of Placer County, and one of said Trustees by the County Superintendent of El Dorado County, to hold until the next general election. Said Trustees, when organized into a Board in pursuance of law, shall appoint one elector of that portion of said Consolidated District lying in Placer County to be Census Marshal of that portion of said district, and one elector of that portion of said district lying in El Dorado County to be Census Marshal of that portion of said district. The Trustees and Census Marshals of said district shall make all reports required to be made by them, or either of them, to the County Superintendent in duplicate, one copy to the Superintendent of each of the aforementioned counties. The school funds which would otherwise, but for the passage of this Act, be apportioned to the respective Districts of Rattlesnake and Wild-goose, shall all be apportioned to said Consolidated District.

School districts united.

Trustees.

Census Marshals.

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

CHAP. DXXXI.—*An Act relative to assessments in Reclamation District Number One Hundred and Twenty-four, in Colusa County.*

[Approved April 1, 1876.]

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

SECTION 1. Whereas, an assessment was levied by Thomas Eddy, James Balsdon, and J. J. Hickcock, Commissioners, on the lands embraced in Reclamation District Number One Hundred and Twenty-four, Colusa County, in the year eighteen hundred and seventy-two; and, whereas, certain land owners in said district paid the amount of said assessments, charges against their several tracts of land therein; and, whereas, said assessment was afterwards adjudged invalid by the Supreme Court of the State; therefore, the amount so paid by any land owner on said assessment, with legal interest thereon from the date of such payment, shall be credited

Preamble.

by the Treasurer of Colusa County to the tract of land upon which the same was paid, on any assessment hereafter levied on the lands in said district.

Warrants
receivable
for taxes.

SEC. 2. Any warrant of said district, drawn by order of the Trustees thereof and approved by the Board of Supervisors, shall be receivable at par, and legal interest thereon from its date, in payment of any assessments hereafter levied on the lands of the district.

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

CHAP. DXXXII.—*An Act for the relief of William Saunders.*

[Approved April 1, 1876.]

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

Claim
allowed.

SECTION 1. The Trustees of Swamp Land District Number Eighteen are authorized and directed to draw a warrant, payable out of the fund of said swamp land district, in favor of William Saunders, for the sum of one hundred and seventy-six dollars, for services heretofore rendered; and the Supervisors of Yolo County are hereby authorized and directed to pay said warrant out of the funds of said Swamp Land District Number Eighteen.

SEC. 2. This Act shall take effect immediately.

CHAP. DXXXIII.—*An Act to regulate the terms of the County Court of the County of Stanislaus.*

[Approved April 1, 1876.]

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

Terms fixed

SECTION 1. The regular terms of the County Court in and for the County of Stanislaus shall be held at the county seat of said county on the second Monday of February, May, August, and November of each year.

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

CHAP. DXXXIV.—*An Act to repeal all special laws in relation to roads and highways in the County of Shasta.*

[Approved April 1, 1876.]

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

SECTION 1. All acts and orders of the Board of Supervisors of Shasta County heretofore made in relation to roads and highways in said county are hereby legalized. Orders legalized.

SEC. 2. An Act entitled "An Act concerning roads and highways in the Counties of Shasta and Trinity," approved March (13th) thirteenth, eighteen hundred and sixty-three (1863), and all Acts amendatory thereof and supplementary thereto, and all special Acts in relation to roads and highways in the County of Shasta, so far as they relate to said County of Shasta, are hereby repealed; *provided*, that the Road Overseers elected in said County of Shasta, at the general election held in the year A. D. (1875) eighteen hundred and seventy-five, shall hold their office until the expiration of the term for which they were elected, and shall receive the same compensation provided for in the laws under which they were elected; *and provided further*, Acts repealed. that the road poll-tax, Road poll-tax. for the year A. D. (1876) one thousand eight hundred and seventy-six, in said County of Shasta, shall be three dollars.

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

CHAP. DXXXV.—*An Act to authorize the Boards of Supervisors to furnish the Sheriff and Deputy Sheriffs of their several counties with a suitable badge of office.*

[Approved April 1, 1876.]

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

SECTION 1. The Boards of Supervisors of the several counties of this State must furnish to the Sheriff, Under Sheriffs, and Deputy Sheriffs of their respective counties a suitable badge of office, upon which shall be inscribed the words "Sheriff" and Deputy Sheriff. Sheriff's badges.

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

CHAP. DXXXVI.—[See volume of *Amendments to the Codes.*]

CHAP. DXXXVII.—*An Act to appropriate four hundred and ninety-four thousand dollars to pay the valid and equitable claims against the State, incurred in building the Napa State Asylum for the insane, and to complete said structure, supply water therefor, and improve the grounds on which it is situate.*

[Approved April 1, 1876.]

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

Appropriation.

SECTION 1. The sum of four hundred and ninety-four thousand dollars is hereby appropriated out of the General Fund, from any moneys not otherwise appropriated, for the payment of the legal and equitable claims against the State, incurred for work done and materials furnished in the construction of the Napa State Asylum for the Insane, and for the completion of said structure, supplying water therefor, and improving the grounds upon which the same is situate.

Controller to draw warrants.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants for said sum in favor of the Board of Trustees of the Napa State Asylum for the Insane, and the Treasurer is hereby authorized and directed to pay the same; said warrants to be drawn for such fractional parts of said sum, and at such time, as the said Board of Trustees may require.

Trustees to investigate claims before auditing.

SEC. 3. Before the said Board of Trustees shall audit, allow, or cause to be paid, any indebtedness contracted or incurred by the Board of Directors of the Napa State Asylum for the Insane, created under an Act entitled "An Act to provide further accommodations for the insane of the State of California, and to provide a special fund therefor," approved March twenty-seventh, eighteen hundred and seventy-two, they shall cause a full and fair investigation in regard to the legality or equities of all such indebtedness, and to this end may cause all claims presented for allowance to be properly itemized, and, where proper, vouchers to be produced, be verified by the claimant, and such other or further evidence adduced of the legal or equitable liability of the State as they may deem proper or necessary.

Unlawful contracts.

SEC. 4. This Act shall not be construed as ratifying and confirming any contract made or entered into by the said Board of Directors without authority of law; but as to all such contracts the Board of Trustees shall have power to cause work under them to cease, when in their judgment it will be for the best interests of said asylum.

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

CHAP. DXXXVIII.—*An Act granting to certain persons therein named the right to construct and maintain a raceway through the City of Placerville.*

[Approved April 1, 1876.]

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

SECTION 1. The right is hereby granted to John Blair, Thomas Alderson, Truman Wilcox, L. A. Garrett, Thomas Price, and F. A. Bishop, their associates and assigns, to construct and maintain a raceway, or bed-rock flume, for drainage and flow of tailings, within the City of Placerville, along and upon the following route, viz: Commencing at the point where the western boundary of said city crosses Hangtown Creek, and extending thence eastwardly up and along the bed of Hangtown Creek to the intersection of said creek with the eastern boundary of said city. Right to construct raceway.

SEC. 2. Said grantees shall, within ninety days from the passage of this Act, survey said raceway, file a map of the same, and a copy of the field notes, in the Recorder's office of El Dorado County; said field notes to be recorded in Book of Water-rights, in said Recorder's office. Map to be filed.

SEC. 3. Said grantees shall commence the construction of said raceway within ninety days after the passage of this Act, and shall complete the same, in accordance with the route surveyed, within three years; *provided*, that if the survey is not made, work commenced, and raceway completed as herein required, then the franchise and privileges herein granted shall be forfeited and abandoned, and all work done shall vest in the City of Placerville. When to be commenced.

SEC. 4. Said grantees shall be liable to the owners of property along the line of said proposed raceway for any damage done in the construction of said raceway. Damages.

SEC. 5. Said grantees shall keep said raceway open, and all persons, whether owning property in said city and near said raceway or not, shall have the right and privilege at all times to flow tailings and water, and flow or dump refuse matter of all kinds, into said raceway, at any point thereon. Said city, or any citizen thereof, may construct sewers or drains to connect with said raceway.

SEC. 6. The franchise and privileges hereby granted shall continue for twenty years.

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

CHAP. DXXXIX.—*An Act for the relief of Elijah True.*

[Approved April 1, 1876.]

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

Appropriation.

SECTION 1. The sum of five hundred and four dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to pay Elijah True the principal, and legal interest thereon, for money which he paid into the treasury in eighteen hundred and sixty-eight, for a patent for a portion of the thirty-sixth section of township number five north, range four (4) west, in this State, which patent was afterward, and since the last session of the Legislature, held by the Supreme Court of this State to be void and of no effect; and the Controller is hereby authorized to draw his warrant in favor of said True for said sum, and the Treasurer of State is directed to pay the same.

Controller to draw warrant.

SEC. 2. This Act shall take effect immediately.

CHAP. DXL.—*An Act to reincorporate the City of San Diego.*

[Approved April 1, 1876.]

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

Corporate name.

SECTION 1. All that tract of land known as the Pueblo of San Diego, included in the survey made for the city authorities in July, eighteen hundred and fifty-eight, by J. C. Hays, United States Deputy Surveyor-General for the State of California, shall henceforth be known as the City of San Diego, the boundaries of which shall be fixed by the field notes of the said survey, except the water-front line on the bay, and this shall be Ship's Channel of the said bay; and the municipal jurisdiction shall extend to said limits, and over the waters of said bay, and into the ocean to the extent of one marine league from the shore.

Boundaries.

Wards.

SEC. 2. The said city shall be divided into five wards, which shall not be changed or altered except by an Act of the State Legislature. The said wards shall be as follows: The First Ward, that part of the city lying west of the line between Old San Diego and Middleton, extending said line northeasterly to the center of San Diego River, up said river to the eastern boundary of the pueblo, including all that part of the city north and west of the bay, and north of said line. The Second Ward shall include all that part of the said city between the said line of Old San Diego on the west and the center of Front Street, in Horton's Addition, on the east; extending this street as a boundary line due north to the center of San Diego River, the bay being the southern

boundary of said ward. For voting purposes, the inhabitants of that portion of the Peninsula of San Diego which lies north of a line drawn from the southwest corner of the pueblo at Chollas Valley, due west to the light-house on Point Loma, shall be considered as in the said Second Ward, and said inhabitants shall have the right to vote at city elections. The Third Ward, all that part of the city commencing at the center of Front Street, as last aforesaid, at its intersection with F Street, in Horton's Addition, as the western boundary of the said ward, the center of F Street, in said addition, as the northern boundary of said ward, and the center of Twelfth Street the eastern boundary, and Ship's Channel of the bay the southern boundary of the said ward. The Fourth Ward shall include all that part of the said city which is bounded as follows: Commencing at the intersection of Front and F Streets, running thence east along said F street to the center of Twelfth Street; thence north along the center of Twelfth street to the southern boundary of the park reservation; thence east along the said line of the park to the eastern boundary of the Pueblo; thence northerly along the said boundary to the middle of the San Diego River; thence westerly along the said river to the eastern boundary of the Second Ward; thence south along said last-named boundary to F Street and the place of beginning. The Fifth Ward shall include all that portion of the said city bounded on the west by Twelfth Street, on the north by the southern line of the park continued easterly to the eastern boundary of said city, on the east by said eastern boundary of the pueblo, and on the south by the southern boundary of said pueblo and the Bay of San Diego.

SEC. 3 The government of said city shall be vested in a Board of Trustees, to consist of five members, one to be elected from each of said wards, who shall receive three dollars each per diem when sitting as a Board of Equalization, and shall receive no compensation whatever for any other service rendered; the City Assessor and Tax Collector, who shall be elected by the people; the City Clerk and Treasurer, who shall be appointed by the said Board of Trustees. Said city shall be a body politic and corporate, by the name and style of the City of San Diego, and by that name shall be known in law, have perpetual succession, sue and be sued in Courts, and in all actions whatsoever; and may provide for the use, care, custody, and regulation of all the commons, parks, and cemeteries, and property, both real and personal, belonging to the city, but shall have no power to sell or dispose of any of the real estate of the said city, except as herein-after provided; and all ordinances shall be made in the name of, and be passed by the said name and style of the City of San Diego.

Government, in whom vested.

SEC. 4. No person shall be eligible to any office provided by this chapter, nor to any other office which may be established by ordinance, nor shall any person be entitled to vote for the same who shall not be a qualified elector, according to the Constitution of the State, and who shall not have

Eligibility to office.

resided in the city and ward for which he shall be elected, or offer to vote, for thirty days next preceding the election.

Charter
elections.

SEC. 5. A charter election shall be held on the second Thursday in May, in the year eighteen hundred and seventy-six, and every two years thereafter, for the election of five Trustees, one in each ward, as aforesaid, a Tax Collector and Assessor, who shall be elected by the qualified voters of the city, as aforesaid, and who shall hold office until their successors are elected and qualified, as hereinafter provided. The Treasurer and Clerk may, in the discretion of said Board, be appointed by a majority of said Board of Trustees, at their first or subsequent meeting after their election, as aforesaid, who shall hold office during the same term as the Trustees appointing them were elected to serve, and until their successors in office are appointed and qualified. Compensation of the Assessor shall not exceed four dollars per day for the actual time employed, not to exceed seventy-five days. The Tax Collector shall not receive more than three per cent. on the amount collected. The City Clerk not to exceed thirty dollars per month, and he shall not be a Trustee. The City Treasurer shall receive no compensation whatever, and shall not be a Trustee. The City Attorney not to exceed twenty-five dollars per month, but may receive, at the discretion of the Board, extra compensation for extra services. In case of any vacancy in the Board of Trustees of the city, or in any subsequent Board, from any cause, it shall be the duty of the said Board to call a special election in the ward where such vacancy may occur, to fill the same by election, after giving ten days' notice, according to law, and said election shall be held, and the returns made, and the result declared, in the same manner as hereinafter set forth for the election of the five Trustees. If any vacancy shall occur in any of the elected offices created by this Act, it shall be the duty of the said Board of Trustees to call a special election to fill the same for the unexpired term; but in case of a vacancy in any of the offices to be filled by appointment, as herein provided, then it shall be the duty of said Board to fill the same by appointment.

Appoint-
ments.

Salaries
and fees.

Vacancies

First
election

SEC. 6. For the first election held to fill the offices created by this Act, the present Board of Trustees of the said city shall appoint one Inspector and two Judges of Election in each ward, who, together with the Clerks to be appointed by them, shall take the oath of office prescribed by law for Judges and Inspectors of State and county elections, to be held at a place to be designated by said Board of Trustees, in each of said wards, declare the polls open, and in all things conduct the said election in a manner as prescribed for State and county elections in this State, except that the polls shall be opened at ten o'clock A. M., and continue open until seven o'clock P. M. of the same day. At all subsequent elections the said Trustees shall appoint the Judges and Inspectors, and fix the place of voting for each of said wards. The returns of the first and all subsequent city elections shall be made out according to law, and filed with the City Clerk within five days after said election. The Board of Trustees

shall open the said returns in public, count the said vote, and declare the result. The person having the greatest number of legal votes in each ward for Trustee shall be declared duly elected as Trustee for said ward, and receive from the Secretary or Clerk a certificate of his election. The person who shall respectively receive the greatest number of legal votes for each of the offices of Tax Collector and Assessor, shall be declared duly elected to said offices, and receive a certificate of election, signed by said Secretary or Clerk, and the said Trustees shall judge of the qualifications and the election returns of their own members, and determine contested elections of city officers.

SEC. 7. The Board of Trustees shall assemble within five days after receiving notice of their election, who shall choose from their number a President, and some person, not of their number, to be Clerk. They shall, by ordinance, fix the time and place of holding their stated meetings, which shall not occur oftener than once in every two weeks, unless specially called by a majority of said Board, and no business shall be transacted at any special meeting except that mentioned in the call. All meetings of the Board of Trustees shall be held within the corporate limits of said city. Meetings of Trustees.

SEC. 8. At the meetings of the Board, a majority of the Trustees shall constitute a quorum to do business; a smaller number may adjourn, from day to day, and may compel the attendance of absent members, and under such penalties as the Board, previously by ordinances, may have prescribed. The said Board of Trustees may establish rules for their own proceedings, punish any member, or any other person, for disorderly behavior in their presence. They shall keep a journal of their proceedings, and the same shall be open to the inspection of any and all qualified electors; at the desire of any member, the yeas and nays shall be taken on any question, and entered in the journal. Same.

SEC. 9. No Trustee shall be interested in any contract, directly or indirectly, nor receive any compensation for his services. The said Trustees shall fix, by ordinance, the compensation of the officers appointed by them, and prescribe their duties; but in no case shall such compensation exceed the amount stated in section five. Trustees to be disinterested.

SEC. 10. The Board of Trustees shall have power within the city: Powers and duties of Trustees.

First—To make by-laws and ordinances, not repugnant to the Constitution and laws of this State.

Second—To levy and collect, for revenue purposes of the city, taxes on all property, real and personal, made taxable by law for State purposes, a sum not exceeding thirty cents per annum, upon each hundred dollars of the assessed value of said property. Taxes.

Third—To levy and collect a special tax, not exceeding sixty cents on the one hundred, in each year, on all property in said city, for the payment of all interest moneys on all sums of money borrowed and owing by said city, and for no other purpose. Same.

- Grades, etc. *Fourth*—To establish the grades of the streets and alleys of said city; to lay out, extend, alter, widen, or improve streets and alleys; to put in fire-plugs, and to make special assessments of taxes for altering, establishing, opening, and widening, filling up, grading, graveling, putting in fire-plugs, or otherwise improving any street or alley of the city, amounting to the whole cost of such improvement, upon the real property situated upon either side of the street or alley to be improved, according to the benefit to accrue therein to such property, to be computed by three persons, chosen by the Trustees and tax-payers asking for such improvements, in the following manner: two by the said tax-payers, and one by the Trustees, for that purpose; and who, before entering upon their duties, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Board of Trustees in writing; and the concurrent report of any two of whom may be received as final in the premises; *provided*, that the owners of more than one-half of the real estate in any block, adjoining any street or alley, shall petition the Board of Trustees for such improvement, and not otherwise.
- Same. *Fifth*—To provide for the draining, grading, paving, repairs, and lighting of the streets, and the construction of sidewalks, drains, and sewers, and keeping the same in repair, and the cleaning of the drains and sewers, and the prevention and removal of obstructions on the sidewalks and on all streets and public grounds of the city.
- Fire Department. *Sixth*—To establish fire limits; to provide for the prevention and extinguishment of fire, and to organize, establish, maintain, and control a fire department.
- Combustibles. *Seventh*—To regulate the storage of gunpowder, tar, pitch, resin, and other extremely combustible material.
- Nuisances. *Eighth*—To prevent and remove nuisances, and to declare what a nuisance.
- Disorder. *Ninth*—To prevent and restrain any riot or disorderly assembly in any street or place in the city.
- Slaughter-houses. *Tenth*—To remove from the immediate vicinity of the inhabited parts of the city, all slaughter-houses, hog-pens, cattle-yards, hay-stacks, brick-kilns, and yards.
- Licenses. *Eleventh*—To license and regulate auctioneers, bowling-alleys, circuses, shows, exhibitions, and theatricals; *provided*, no auctioneer's license shall exceed twenty dollars per quarter, nor bowling-alley license to exceed five dollars per month.
- Sales and leases. *Twelfth*—To sell and lease the real estate belonging to said city, and to provide by ordinance for such sale or lease, but no sale shall be made except at public auction, after at least ten days' notice, by publication in any daily newspaper published in said city. Such notice shall be inserted in said paper at least six times between the first day's notice and the day of sale, and to the highest and best bidder for cash.
- Cemetery. *Thirteenth*—To provide a cemetery commission of three persons, to take charge of, regulate and lay out, and manage the cemetery of said city, but said Commissioners shall receive no compensation for such services.
- Tax rates. *Fourteenth*—The Trustees shall fix, by ordinance, the

amount of taxes to be levied each year for current expenses, not to exceed the rate above fixed in this Act. The fiscal year shall commence January first of each year:

Fifteenth—The Board of Trustees, or a committee of their members appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessments, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, may deem just and proper, and they shall meet from time to time, and continue in session until said business is all disposed of. Equalization

Sixteenth—The Trustees shall succeed to all the rights, title, and interest, possessions, credits, immunities, liabilities, debts, and obligations, in law or in equity, that shall be enjoyed or owned by the said City of San Diego at the time of taking effect of this Act. The said Trustees may hold and receive property, real and personal, within said city, necessary for public purposes. Liabilities etc.

Seventeenth—The Board of Trustees shall, with a practicing physician appointed by them, constitute a Board of Health; said Trustees shall have power to pass ordinances to prevent or abate any nuisances which may become injurious to the health of the city, and to place in quarantine any steamer, vessel, ship, or other water craft that may come into the Harbor of San Diego with any contagious or infectious disease. By order of said Board of Health, suit may be brought in the name of the city, against any offender or offenders who may refuse to comply with the order of said Board. The costs of such suits to be collected as in other cases. The practicing physician to receive no compensation, except when his services are actually required and rendered, and when any services are rendered by the said physician, he shall present his bill for the same to the City Trustees, and it shall be considered by them as other claims against the city. Board of Health.

Eighteenth—The Board of Trustees shall have power to pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing power. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all members elected, and be published five times in some newspaper in said city. Ordinances.

SEC. 11. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the active Board of Trustees of said city shall be as legal and effectual as if passed under this Act. The road tax ordered to be collected within the limits of said city, by the Board of Supervisors of said San Diego County, shall be collected by the Tax Collector of said city, and paid into the city treasury, to be expended within said limits for road purposes, and shall also be used for street repairs. Same.

SEC. 12. The Board of Trustees may impose fines for any Fines, etc.

breach of their ordinances, but no fine shall be imposed upon any one person, for any breach of any ordinance, of more than fifty dollars, which fine may be recovered before any Justice of the Peace having his office within the corporate limits of the city, by suit in the name of the City of San Diego, and collection by execution, or in any other manner as fines imposed by the laws of the State are collected. All fines collected in pursuance of this Act shall be paid over to the City Treasurer, and for any omission to do so, such officer may be proceeded against on his official bond, in the name of the City of San Diego.

Street im-
provements,
petitions for.

SEC. 13. If at any time the owners of a majority of the real estate fronting on both sides of any street, counting from one cross-street to another cross-street, shall petition the Board of Trustees for the privilege of constructing, grading, repairing, planking, graveling or paving, or otherwise improving, either by putting in fire-plugs, water-pipes, gas-pipes, sewers, culverts, or any other kind of improvement, then it shall be the duty of said Trustees to order the Commissioners, as prescribed in section ten, subdivision four of this Act, to cause to be made an immediate survey of the proposed improvements, to be made by some competent surveyor, who shall in his specifications give the proper grade and the amount of excavation or filling in front of such person's real estate, to the middle of the street; or, if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling up of the sidewalks. If the Board of Trustees approve the report of the aforesaid Commissioners, accompanied with the survey and specifications of the surveyor, they shall order said improvements, as petitioned for, to be made, and shall make an assessment of the cost thereof to each of the persons owning said real estate, and the same shall constitute a lien upon such real estate, until each assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making his improvements in accordance with the specifications, and within the time mentioned in the ordinance ordering said improvements to be made; but if not so made, then it shall be the duty of the Board of Trustees forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owners or occupants of such real estate shall fail, neglect, or refuse to pay for the costs of the same when completed, it shall be the duty of the Board of Trustees to institute suit, in the name of the city, against said owners, for the recovery of said costs, and the judgment rendered thereon shall constitute a lien on said real estate, and execution may be issued thereon and may be served as in other civil cases. The Trustees may require the streets, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Trustees shall let out the making of said repairs, and collect the cost of the same in the same manner as hereinbefore provided in this section; *provided further*, that the costs of the survey and specifications shall be taxed as a part of the costs of said improvements, and paid for by

Costs, how
taxed.

the property owners. Whenever any street to be improved, as provided in this section, shall cross any other street, then the expense of the improvements on such crossing shall be assessed by the Board of Trustees upon the four quarter-blocks adjoining and cornering on the crossing; and each lot, or part of a lot, in such quarter-block, fronting on such streets where the improvements is being or about to be made, shall be separately assessed to its proportion of frontage on such street to be improved.

SEC. 14. All contracts for building and repairing, or other work, or furnishing materials, which the Trustees are authorized to make for said city, shall be by them let to the lowest bidder. Before making any contract for building, repairing, or otherwise, or for furnishing materials, the Trustees shall first advertise for sealed proposals, for at least five days, in a newspaper published in the city, and all proposals shall be opened in the presence of the bidder or bidders. Contracts.

SEC. 15. All demands that shall lawfully arise against the city, in order to be entitled to payment, shall be presented to and allowed for such amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the city treasury unless the same be allowed by the Board of Trustees, and signed by the President of said Board, and countersigned by the Clerk, and shall specify out of what fund or appropriation the same shall be paid. Demands,
how paid.

SEC. 16. The City Tax Collector, Treasurer, Assessor, Clerk, and City Attorney, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and shall also give a bond, with sureties, to be approved by the Board of Trustees, payable to the City of San Diego, in such penal sum as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their office, as required by law. Should the bond of any city official become insufficient, he shall be required to give additional security within ten days, as the Board of Trustees may require, not exceeding the amount required by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and a new election ordered, or the vacancy filled by appointment, as herein provided. Oaths and
bonds.

SEC. 17. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided for in this Act. The official bond of every officer named in this Act shall be filed with the Clerk of the Board of Trustees. Failure to
qualify.

SEC. 18. The President of the Board of Trustees shall preside at all meetings. He shall communicate to the Board all such information as he possesses, and make such recommendation in regard to the affairs of the city as he may deem expedient at such meetings. He shall make a semi-annual report and statement on the first Monday of March and September in each year, of the receipts and expenditures of the preceding months, specifying on what account such expenditures and receipts were had, embodying, also, his views and recommendation of the city affairs, and cause the same to be Duties of
President.

Penalty for
neglect

placed on file. If he neglects to make and cause such statement to be placed on file, he shall forfeit, for such neglect, the sum of two hundred dollars, to be recovered in any Court of competent jurisdiction; one-half thereof shall be to the use of the city, and the other half to the person who may bring the suit for the collection of the said forfeiture.

Treasurer,
duties of.

SEC. 19. It shall be the duty of the City Treasurer to receive and safely keep all moneys that shall come into the city treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the City Clerk, and to take receipts therefor, and to perform such other duties as shall be required of him by said Board, and shall make out a quarterly statement of his receipts and disbursements, verified by his oath, and file the same with the City Clerk, and at the end of his official term shall deliver to his successor in office all moneys, books, papers, or other property in his possession belonging to the city, and take his receipt therefor.

Clerk,
duties of.

SEC. 20. It shall be the duty of the City Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by such Board. He shall keep a correct journal of their proceedings, and on receiving official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the city treasury, and he shall receive such compensation as said Board of Trustees may deem just; *provided*, the same does not exceed the sum of thirty dollars per month for all services as Clerk of the Board of Trustees.

Salary.

Assessor,
duties of

SEC. 21. It shall be the duty of the City Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday of June and the first Monday in October of each year, to make a true list of all taxable property, real and personal, within the limits of said city, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of property shall be the same as that prescribed by law for assessing State and county taxes.

Collector,
duties of.

SEC. 22. The Tax Collector shall collect all taxes assessed by the said Board, including licenses and the road tax, without any unnecessary delay, and pay the same to the City Treasurer monthly, taking his receipt therefor, retaining only his legal commission, not to exceed the amount above named.

Attorney.

SEC. 23. The City Attorney shall perform such services and receive such compensation as may be fixed by ordinance by said Board, not to exceed the amount above specified.

Justices of
the Peace,
duties of

SEC. 24. It shall be the duty of the Justices of the Peace within said city limits, and they are hereby authorized and required, to take cognizance of all offenses against the ordinances of the said city, and all breaches of the city ordinances; they shall be entitled to the same fees as are allowed Justices of the Peace by law for like services, and all fines imposed by the Justices of the Peace and collected for any breach

of the peace, or violation of any city ordinance, shall be paid into the city treasury for the use and benefit of the city. The Sheriff of San Diego County and his deputies, and the Constables within the corporate limits of the City of San Diego, or either of them, are authorized and empowered to serve any and all warrants or legal papers issued by the said Justices of the Peace, in the name of the said city, for the violation of any of the ordinances of the City of San Diego, and they and each of them shall be entitled to such compensation for such services as is now authorized by the laws of the State in such cases made and provided.

SEC. 25. The Board of Trustees shall, by ordinance, fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes; *provided*, that when there is more than one lot, piece, or parcel of land, or other property, assessed to the same owner, and delinquent, the same shall be sold to the bidder who will take the smallest portion thereof for the taxes and costs; all property sold for unpaid taxes shall be subject to redemption upon the same condition as property sold for State and county tax. An Act to repeal the charter and create the Board of Trustees for the City of San Diego, approved January thirtieth, eighteen hundred and fifty-two, also, an Act to extend the police powers of the President and Trustees of the City of San Diego, approved March thirtieth, eighteen hundred and sixty-eight, and an Act to grant further powers to the Board of Trustees, and define boundaries of said city, approved March twelfth, eighteen hundred and seventy, and an Act entitled an Act to incorporate the City of San Diego, approved March seventh, eighteen hundred and seventy-two, and all Acts and parts of Acts in conflict with any portion of this Act, are hereby repealed.

Delinquent taxes, sales for.

Redemption.

SEC. 26. No ordinance or act of the Board of Trustees of the City of San Diego shall be valid and binding unless three members of said Board have voted for the same in the affirmative.

SEC. 27. This charter, or Act, shall not be construed as to give the city authorities, or the citizens of San Diego, any control or title to the land lying outside of the city or pueblo boundary line, as confirmed by the patent to the City of San Diego, except for municipal purposes only, nor shall any park, cemeteries, or other property set aside for public purposes, be sold by the city authorities without an Act of the Legislature of this State being first obtained therefor.

Outside lands.

SEC. 28. This Act shall take effect immediately after its passage.

CHAP. DXLI.—*An Act to provide a supply of water for the University, and for the Asylum for the Deaf, Dumb, and Blind.*

[Approved April 1, 1876.]

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

Water-
sources
reserved to
State.

SECTION 1. Any of the springs and natural sources of water supply which are within a distance of one mile and a half from the extreme limits of the University grounds, together with so much of the lands on which the same are located as are necessary for the protection of said springs and sources of supply, and the right of way for a pipe or aqueduct over intervening lands to reach the same, may be condemned, in the manner hereinafter provided, for the use of the University and Deaf, Dumb, and Blind Asylum, and shall not be taken up or appropriated by any private corporation. Said springs, and sources of water supply, and said lands, are hereby declared to be necessary for the use of the institutions above named, and such use is declared to be a public use.

Action to
condemn
same

SEC. 2. In order to effect such condemnation, a complaint shall be filed by the Attorney-General, in the name of the people of the State of California, against all owners or claimants of such springs, and of the lands on which the same are situated, and of the lands over which a right of way is sought, where the names are known or can be conveniently ascertained, and against all unknown owners and claimants, designating them as "unknown owners" in said complaint. All the proceedings thereafter shall be had and taken under and in accordance with the provisions of Title Seven, Part Third of the Code of Civil Procedure, except that it shall not be necessary, upon the trial, to show that said springs are necessary to the institutions aforesaid.

Referees to
appraise.

SEC. 3. Instead of a trial by jury, the District Court may, in its discretion, appoint three Commissioners or Referees to appraise the value of said springs and lands, and the right of way to reach the same from the University grounds, over the lands between said springs and the grounds of the University.

Payment to
parties, how
made.

SEC. 4. Upon a judgment being rendered for the condemnation of said springs and lands, and right of way, and appraising the value thereof, and upon filing in said proceeding a written certificate by the Governor, approving such valuation, the Controller shall draw his warrant upon the State Treasurer, in favor of the Treasurer of the Board of Regents, for the amount of such valuation, payable out of any moneys in the General Fund, and said Treasurer of the Board of Regents shall pay the amount forthwith into the Court in which such judgment is rendered, to be paid out, under the order of said Court, to the parties entitled thereto. When said amount is paid into Court, the title to said springs, and land, and right of way shall vest in the State

for the use and benefit of the public institutions hereinbefore referred to.

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

CHAP. DXLII.—*An Act concerning the census of Millville School District, County of Shasta.*

[Approved April 1, 1876.]

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

SECTION 1. The Board of School Trustees of Millville School District, in Shasta County, are hereby authorized, immediately upon the passage of this Act, and on or before the first day of March in each year thereafter, to appoint the School Census Marshal for said district, who must be an acting teacher, and notify the School Superintendent thereof. Trustees to appoint Census Marshal.

SEC. 2. It is the duty of the said School Census Marshal of Millville School District, Shasta County, to take the census of all the children under seventeen years of age in his district between the first day of March and the first day of July in each year, in accordance with subdivisions two and three of section sixteen hundred and thirty-four, as amended in the "Amendments to the Codes" in section twenty-one (page ninety-six) of "An Act to amend the provisions of the Political Code relative to public schools," approved March twenty-eighth, eighteen hundred and seventy-four. Duty of Marshal.

SEC. 3. This Act shall take effect immediately.

CHAP. DXLIII.—*An Act supplemental to an Act entitled an Act in relation to highways in the County of Solano, approved March seventeenth, A. D. eighteen hundred and seventy-six.*

[Approved April 1, 1876.]

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

SECTION 1. Where two or more road districts are united and formed into one district under the Act to which this Act is supplemental, the Board of Supervisors of said Solano County may remove the Roadmasters of said districts from office, and appoint a Roadmaster for said new district, who shall hold his office till the next general State election, and shall be entitled to the same compensation as provided in said Act to which this is supplemental, and be subject to all of its provisions. Concerning Roadmasters

SEC. 2. This Act shall take effect on the seventeenth day of May, A. D. eighteen hundred and seventy-six.

CHAP. DXLIV.—*An Act amendatory of and supplemental to an Act entitled "An Act to reincorporate the Town of Woodland," approved March twenty-fourth, eighteen hundred and seventy-four.*

[Approved April 1, 1876.]

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

Ordinances.

SECTION 1. Section twenty-eight of said Act is hereby amended to read as follows: Section 28. All ordinances passed by the Board of Trustees shall be signed by the President and Town Clerk, and published in some newspaper published in said town.

Concerning laying out, altering, etc., of streets.

SEC. 2. The Board of Trustees of said town are hereby authorized and empowered to order the laying out, opening, alteration, or vacation of any street or alley in said town, after proceedings had as required in this section. Such proceedings shall be had only upon the petition, in writing, of a majority of the persons owning land fronting on said street or alley. If, upon the presentation of such petition, it appears to the Board that such laying out, opening, alteration, or vacation would be a public convenience, they shall publish, in some newspaper published in said town, once a week for a period of three weeks, a notice of their intention to order such laying out, opening, alteration, or vacation, which notice shall be a copy of the resolution of the Board, and shall particularly describe the street or alley to be laid out, opened, altered, or vacated. At the first regular meeting of the Board after the expiration of said publication, the Board may proceed to hear the matter, and may adjourn the hearing from time to time; and if, at the final hearing, the Board shall be of opinion that the said proposed laying out, opening, or alteration would be a public convenience, they shall appoint three disinterested citizens of the town as Commissioners, to estimate the value of the damages and benefits resulting from such work. Said Commissioners shall, after being sworn to a faithful performance of their duties, proceed to view the street or alley proposed to be laid out, opened, or altered, and may employ the services of a surveyor. They shall appraise the value of each parcel of land taken by such improvement, and the amount of damage to any tract which, though not taken, or taken only in part, may be injuriously affected. They shall then estimate the amount of benefit to each tract of land to be benefited by such improvement, and shall apportion the gross sum to be paid for compensation and damages among the tracts benefited, in proportion to the amount of benefit accruing to each. They shall return their report and assessment to the Board at least five days before the next regular meeting thereof. Any person considering himself aggrieved by the award of the Commissioners, may appeal to the Board of Trustees, by filing with the Clerk, before the day of such regular meeting, a notice, stating the award appealed from, and the grounds

Commissioners to view proposed changes.

Report.

of appeal. The award of the Commissioners shall be final and conclusive against any person not so appealing. At such regular meeting the Board shall proceed to hear and determine all such appeals, and may correct or modify the awards appealed from, to such extent as they may deem proper, so as to make the same just and equal. They shall then, by order, award to the persons whose property is taken or injuriously affected, the amounts of damages or compensation respectively awarded by the Commissioners, or by the Board on appeal, and provide for the payment of the same. They shall also, by the same order, direct the Clerk to make from the report of the Commissioners, as corrected on appeal, an assessment roll of the property assessed for benefits, on which roll each tract shall be specifically described and assessed to the owner if known, and if not, to "unknown owners." Within such time as may be directed in such order, the Clerk shall complete said roll, and place the same in the hands of the Marshal for collection. Upon his receipt of said roll, the Marshal shall proceed to collect said assessments in the same manner as town taxes are collected, except that the Board shall, by order or by ordinance, fix the times of collection, delinquency, and sale; and the Marshal is hereby authorized and directed to sell any property upon which the said assessment is not paid, in the manner in which sales for State and county taxes are conducted. All assessments, when collected, shall be paid into the town treasury, and all damages and compensation awarded shall be paid out of the town treasury. Upon the payment or tender of the amounts awarded for damages and compensation, the right of way for such street or alley, over each parcel taken, shall be deemed to be condemned, and to have vested in said town; and the Clerk shall, immediately after such payment or tender, file in the office of the Recorder of Yolo County a certificate of such condemnation, which certificate shall particularly describe each tract condemned, and state the name of the owner thereof, and the Recorder shall record the same in the books in which deeds are recorded. Such certificate, or the record thereof, shall be prima facie evidence of the facts therein recited. The compensation of the Commissioners and surveyors shall be fixed by the Board, and the same, together with the expenses of the Commission, shall be paid out of the town treasury. If the proposed improvement consist in the vacation of any street or alley, or of any part thereof, the same may be ordered by the Board at their first regular meeting after the publication of their resolution of intention, without the appointment of Commissioners.

Appeals
from awards

Marshal to
collect
assessments.

Right of
way.

Compensation of Com-
missioner.

SEC. 3. This Act shall take effect and be in force from and after the twenty-ninth day of April, A. D. eighteen hundred and seventy-six.

CHAP. DXLV.—*An Act to provide for the collection of delinquent taxes for the twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, in the City and County of San Francisco.*

[Approved April 1, 1876.]

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

Delinquent
taxes, col-
lection of.

SECTION 1. The assessment of taxes upon all property, both real and personal (except upon solvent debts), in the City and County of San Francisco, whether for State or city and county purposes, for the twenty-fourth fiscal year ending June thirtieth, eighteen hundred and seventy-three, and for the twenty-fifth fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for the twenty-sixth fiscal year ending June thirtieth eighteen hundred and seventy-five, as equalized by the Board of Supervisors of said city and county, sitting as a Board of Equalization, in said fiscal years, are hereby legalized and confirmed and rendered valid and binding, both in law and equity, against the persons and property assessed, and the duplicate assessment rolls of said city and county for said fiscal years shall be prima facie evidence of such assessments.

Former
levies con-
firmed.

SEC. 2. The levy made by said Board of Supervisors for the twenty-fourth fiscal year ending on the thirtieth day of June, eighteen hundred and seventy-three, also the levy made by said Board for the twenty-fifth fiscal year ending on the thirtieth day of June, eighteen hundred and seventy-four, also the levy made by said Board for the twenty-sixth fiscal year ending on the thirtieth day of June, eighteen hundred and seventy-five, are each hereby made valid and binding, effectual and legal, and each of said levies are hereby made valid, ratified, confirmed, and adopted, and all the acts of the Assessor, Board of Supervisors, Auditor, or of other officers of said city and county, in assessing and equalizing, or in preparing original or duplicate assessment rolls, are hereby made valid, binding, and legal for all purposes affecting the assessment, equalization, and levy of taxes for each of said fiscal years.

Suits for
recovery of
delinquent
taxes

SEC. 3. Order Number Eleven Hundred and Eighty-five of the Board of Supervisors of said city and county, and the employment of special counsel pursuant to the requirements of said order, and each and every of the suits commenced by said special counsel, are hereby authorized, made valid, ratified, and confirmed; and said special counsel is hereby authorized and directed to prosecute said suits commenced by him to recover delinquent taxes and now pending in the Third District Court, and to commence such other suits in the name of said city and county as may be necessary to recover said city and county's portion of all delinquent taxes for said twenty-fourth and twenty-fifth fiscal years; *provided*, that all suits to recover any taxes paid under protest for said twenty-fourth, twenty-fifth, and twenty-sixth fiscal years, hereafter to be brought, shall be commenced and

prosecuted by the City and County Attorney of said city and county.

SEC. 4. The Board of Supervisors of said city and county is hereby authorized to employ special counsel to commence civil actions in the name of the City and County of San Francisco, in any of the District Courts of said city and county, whether the defendant be a resident of said city and county or not, and to take any proceedings under the existing laws to recover the unpaid taxes assessed for municipal purposes of said city and county for the twenty-sixth fiscal year, other than the taxes covered by the proviso in the preceding section.

Suits for recovery of delinquent taxes.

SEC. 5. In any suit hereafter to be commenced for the collection of delinquent taxes due said city and county, the complaint may be in the following form, and shall be held to be legally sufficient, and upon the trial the duplicate assessment roll shall be prima facie evidence of plaintiff's right to recover, and as against all defenses, except those hereinafter enumerated, shall be conclusive evidence of such right: (Title of Court.) The City and County of San Francisco vs. (naming the defendant). Plaintiff avers, that the defendant is indebted to plaintiff in the sum of \$—, for city and county taxes, which said taxes were duly assessed and levied upon the following described property (describing the property) for the — fiscal year, with five per cent. penalty added thereto, for the non-payment of such taxes, and two per cent. per month interest from the — day of —, A. D. 187—, together with \$— costs of advertising and costs of suit. Wherefore, plaintiff prays judgment for said several sums and costs of suit. (Signed by plaintiff's attorney.)

Same.

SEC. 6. The defendant shall not be allowed to set up in his answer, or show any irregularity or informality in the levy or assessment as a defense, but shall only be allowed to plead:

Plea of defendant.

First—That the taxes have been paid before suit; or,

Second—That he had not the property mentioned in the complaint, and had no assessable interest therein at the time of the assessment; and no answer shall be filed in any such case unless the same be verified by oath.

SEC. 7. Whenever any money is collected under the provisions of this Act, except as hereinafter provided, it shall be paid to the Tax Collector of the City and County of San Francisco, and shall be by him accounted for to the Treasurer of said city and county.

Moneys, how paid.

SEC. 8. For services, under the provisions of this Act, the special counsel employed by the Board of Supervisors shall be entitled to receive and retain to his own use ten per cent. of all moneys collected under the provisions of this Act, and all officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to the use of said city and county such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendant, and in no case shall the city and county be liable for any services rendered under this Act.

Counsel fees, etc.

Law
Library.

SEC. 9. The provisions of an Act entitled "An Act [to] provide for the increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government, and the people of the City and County of San Francisco," and all Acts amendatory thereof or supplementary thereto, shall not apply to proceedings under this Act; but the fees to which said San Francisco Law Library is entitled by law shall be taxed as other costs of suits, and when collected from the defendant, to be paid to the Treasurer of said library.

Unknown
owners,
summons to.

SEC. 10. If the name of the owner of any real estate, upon which the taxes remain unpaid, be unknown, or if the same has been assessed to an unknown owner, or to a person not the owner, the person or persons owning such real estate may be sued by any name, and the summons may be served in the following manner:

First—Where the owner is known, in the manner prescribed by the Code of Civil Procedure.

Second—Where the owner is unknown, but the land is occupied, by leaving a copy of the summons with the occupants thereof.

Third—Where the owner is unknown and the land unoccupied, by posting a copy of summons upon the lot. At the expiration of twenty days, service of summons shall be deemed complete; and, if no answer be on file, a judgment and decree of foreclosure by default may be taken.

In actions to recover taxes upon real estate, each and every judgment and decree obtained under the provisions of this Act shall have the force and effect of and be a lien upon the specific real estate upon which such taxes were levied, which said lien shall not be discharged, except upon the payment of such judgment or sale of said real estate under a decree of foreclosure.

SEC. 11. All Acts and parts of Acts, so far as they are in conflict with the provisions of this Act, are hereby repealed.

CHAP. DXLVI.—*An Act to incorporate the Town of Martinez, and to provide for the government thereof.*

[Approved April 1, 1876.]

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

Corporate
name.

SECTION 1. The Town of Martinez, and the inhabitants thereof, shall hereafter be a body politic and corporate, for the purposes designated in this Act only, under the name and style of the "Town of Martinez," and by that name the Trustees thereof shall have succession in office, and may sue and be sued in all the Courts, to enforce the provisions of this Act.

SEC. 2. The corporate limits of the Town of Martinez shall be as follows, viz: Beginning at a point where the fence dividing the lands of J. P. Jones and L. I. Fish touches the Straits of Carquinez, thence southwardly along said fence and continuing the same course to the line of the homestead tract of H. Bush; thence westwardly along the north line of Bush's homestead tract to the Arroyo del Hombre; thence southwardly along said arroyo to the center of G Street; thence westwardly along G Street to the western boundary of the Town of Martinez as officially surveyed; thence northwardly, following the western boundary of the town plat, to the Straits of Carquinez; thence eastwardly along the shore of the Straits of Carquinez, following the northerly line of the Pinolo and Las Juntas Ranches, to the place of beginning.

SEC. 3. The corporate powers and duties of the Town of Martinez shall be vested in a Board of Trustees, to consist of three members, who shall be elected by the qualified electors of the town on the first Monday in May in each year, and shall hold their office for the term of one year and until their successors are elected and qualified.

SEC. 4. The Board of Trustees shall assemble on the first Monday of the month succeeding their election, and shall take and subscribe to an oath of office, and shall organize by choosing one of their number as President and another as Clerk, and shall, by ordinance, fix the time of holding their stated meetings, and also provide for calling special meetings, as business shall require.

SEC. 5. When a vacancy occurs in the Board from any cause, a special election shall be holden at a time to be fixed by the Board of Trustees, to fill such vacancy. At all meetings, a majority of the Trustees shall constitute a quorum to transact business.

SEC. 6. The Board of Trustees shall judge of the election returns and qualifications of their members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, while transacting official business at their meetings. They shall keep a journal of their proceedings, and, at the desire of any member, shall cause the yeas and nays to be taken on any question and entered on their journal. All their proceedings shall [be] public. The style of all ordinances shall be: The Trustees of the Town of Martinez do ordain as follows.

SEC. 7. The Board of Trustees shall have power to make such by-laws or ordinances, not inconsistent with the Constitution and laws of the United States and of this State, as they may deem necessary to preserve order; to prevent and remove all nuisances which shall be detrimental to health and comfort; to prevent horses, cattle, hogs, sheep, or goats, from running at large in the streets, or upon the public grounds in said town; and to punish the violation of any ordinance passed, pursuant to this section, by a fine not exceeding fifty dollars.

SEC. 8. The Board of Trustees shall also have power to

declare any of the streets now open, or which may be opened by the owner or owners of land in said town, to be public streets, and to keep the same open, and to remove all obstructions therefrom, and to cause the streets fronting on any block to be resurveyed and located, as near as practicable, as it was originally located, upon the petition of the owners of one-half or more of the land fronting on said street in said block; to establish the grades of streets and sidewalks; and to provide for grading streets, and for building sidewalks and street-crossings, and for keeping the streets, street-crossings, and sidewalks in repair, as provided in this Act; also, for planting shade-trees upon the streets, and for the preservation thereof.

Street grad-
ing, etc.

SEC. 9. If at any time the owners of one-half or more of the land fronting on any street in the town, between any two given points on said street, shall present to the Board of Trustees a petition, asking that such street be graded, repaired, or crossings or sidewalks thereon be constructed, and therein describing generally the nature of the work proposed to be done, with an estimate of its cost and the names of the owners of land on such streets to be charged with the expense of such work, it shall be the duty of the President of the Board of Trustees to call a special meeting of the Board of Trustees to consider such petition, at a time not less than five days nor more than ten days after the presentation thereof. Notice of such meetings shall be given by written or printed notices, signed by the President of the Board, stating the time and place of such meeting, and generally the object of the meeting. Such notice shall be posted in at least three public places in said town, for a period of not less than five days before the time of such meeting.

Hearing of
petitions.

SEC. 10. At such meeting it shall be the duty of the Board of Trustees to hear the allegations of the petitioners in support of the petition, and any objection which may be made by the owners of land which will be charged with a portion of the expense of the proposed work, and the Board of Trustees shall thereupon settle and adopt specifications for the proposed work, if it shall be determined by them to cause the proposed work to be done.

Board may
order work.

SEC. 11. If the petition be for the construction of a sidewalk on one side of a street, and it shall appear that the owners of one-half or more of the land fronting on said street, on the side thereof where it is proposed to construct such sidewalk, shall have petitioned therefor, it shall be the duty of the Board of Trustees to make an order directing such sidewalk to be constructed; and if the petition be for the grading or repairs of a street, or building crossings thereon, or for the construction of sidewalks on both sides thereof, and it shall appear that the owners of one-half or more of the land fronting on both sides of the street where such work is proposed to be done, or such sidewalks or street-crossings are proposed to be constructed, shall have signed such petition or have consented thereto, it shall be the duty of the Board of Trustees to make an order directing that such work be done,

or such street-crossings or sidewalks be constructed, as the case may be.

SEC. 12. In all cases, the owner or owners of land fronting on any street whereon the Board of Trustees may have directed work to be done in repairing streets, or constructing street-crossings or sidewalks, shall have the right to do such work, or to cause it to be done, at any time within thirty days after the Trustees shall have made the order directing the same to be done. Owners may do work.

SEC. 13. If any of the owners of land fronting on such street shall neglect, for thirty days after the Board of Trustees shall have made an order to grade or repair the street to its center, or to construct a street-crossing or sidewalk thereon in front of his or her own property, such person or persons shall be deemed to have consented that the Board of Trustees shall cause the same to be done at the expense of such owner, as in this Act provided. When neglect.

SEC. 14. If, at the expiration of thirty days after the Trustees shall have made the order directing any street to be graded or repaired, or street-crossings or sidewalk to be constructed, as provided in this Act, such work shall not have been done by the owners of the land, then the Board of Trustees shall advertise for sealed proposals to do such work, and shall contract for the doing thereof as hereafter provided. Such advertisement shall be given by posting notices for at least ten days, in three public places in said town. Such notices shall be signed by the President of the Board of Trustees, and shall specify the location and general nature of the work to be done, and shall state where the specifications can be seen, and the time when the sealed proposals for doing the work will be opened, which time shall not be less than ten nor more than fifteen days after the posting of such notices. Notice to contractors.

SEC. 15. At the time designated in the notice, the Board of Trustees shall open the sealed proposals which shall have been submitted, and shall declare and enter upon their journal the name of the lowest responsible bidder, and the amount of his bid. Opening of bids.

SEC. 16. So soon as sealed proposals shall have been opened and the lowest bidder declared, as provided in the preceding section, the President of the Board of Trustees shall cause notice thereof to be given, by posting notices in three public places in said town, stating therein generally the nature of the work proposed to be done, and the place, and the place where the same is to be done, the name of the owner or reputed owner of the land in front of which such work is proposed to be done, the name of the lowest bidder, and the amount of his bid for doing the work; and that, unless the owner shall, within three days after the posting of such notices, file with the Board of Trustees an agreement, in writing, to do the work according to the specifications, within thirty days thereafter, that contract will be awarded to such lowest bidder at the expense of such owner, and if, at the expiration of three days after the posting of such notices, such owner or owners shall have neglected to file Letting of contract

with the Board of Trustees his or their written consent to do the proposed work within thirty days thereafter, according to the specifications adopted by the Board of Trustees, such owner or owners shall be deemed to have consented that the work shall be done by the person who may have been declared the lowest bidder, and at the price of his bid, at the expense of such owner, and the Board of Trustees shall thereupon immediately award the contract to the person who may have been declared the lowest bidder, at the price specified in his bid, and the expense of such work, to the amount of his bid, shall be a debt against such owner, and a lien upon the land and premises of the person so neglecting and refusing, which may have a frontage upon the portion of the street where such work shall have been done, which lien shall not be discharged until the contract price for such work shall be paid in United States gold coin.

Same; liability of owners for expenses.

SEC. 17. Should the owner of land fronting on any street at the place where it is proposed to make improvements in the street, or crossing, or sidewalk, neglect or refuse for thirty days, after having filed with the Board of Trustees his consent to do such work, as provided in the preceding section, the Board of Trustees shall award the contract to the person who may have been declared to be the lowest bidder, or to any other person who shall contract to do the work at the price of such bid, without any other or further notice; and where a contract shall be awarded by the Board of Trustees to grade or repair a street, or to construct street-crossings or sidewalks thereon, as provided in this Act, and the work shall be done under such contract, the Board of Trustees may cause an action to be commenced in the name of the Town of Martinez, against any owner of land liable for such work, to recover the contract price of such work from such owner; or the Board of Trustees may, by an order or resolution entered upon their journal, authorize the contractor to sue for and collect the amount due on the contract, in his own name; and upon such order being made, the contractor may bring suit in his own name, against such delinquent owner, in any Court of competent jurisdiction, to recover the amount due on such contract; and for purposes of such action the defendant shall be deemed to be a resident of said town, and the Trustees of said town to have been, and to have acted as, the agent of such owner in making and awarding such contract, and such owner shall also be deemed to have consented to the making thereof; and any judgment recovered in any such action shall be payable in United States gold coin; and if judgment be rendered in favor of the plaintiff, such judgment shall carry costs and disbursements, together with interest on the amount found to be due, from the time the work was completed, at the rate of ten per cent. per annum; and the Court shall also allow to the plaintiff a reasonable attorney's fee, to be added to the judgment, and the Court may order the premises, in front of which such work was done, to be sold to satisfy such judgment.

Annual tax.

SEC. 18. The Board of Trustees of said Town of Martinez may cause to be levied and collected annually, a tax not

exceeding fifteen cents on each one hundred dollars' worth of taxable property in said town, for payment of actual necessary expenses for stationery, and costs in causing to be enforced the ordinances of the Board of Trustees of said town. Such tax shall be assessed by the Town Assessor and collected by the Town Collector in same manner as State and county taxes are required to be assessed and collected, and the revenue laws of this State, far as applicable, shall apply to the assessment and collection of such taxes.

SEC. 19. The Board of Trustees may by resolution appoint the Sheriff, or Under-Sheriff, or Constable in the Town of Martinez, to cause to be enforced and carried into effect any ordinance which may be passed by the Board of Trustees by authority of this Act, or the provisions of an Act entitled an Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, Contra Costa County, approved March eleventh, one thousand eight hundred and seventy-four. But the Board of Trustees shall have no power to create any debt or liability whatever, against said town, for any purpose, nor to do any act in the name of the Town of Martinez, except as in this Act and for the purposes in this Act provided, and no member of the Board of Trustees shall receive, directly or indirectly, any compensation whatever for his services as such Trustee. The Board of Trustees may allow the Town Assessor, for making an assessment of the property in the town, a sum not exceeding twenty-five dollars for each year, and the Collector not exceeding twenty-five dollars, for collecting the tax for any one year.

Enforcing ordinances; limit to indebtedness.

SEC. 20. The County Clerk of Contra Costa County shall, immediately after the passage of this Act, order an election to be holden in the Town of Martinez for the election of three Trustees, and an Assessor, and Collector for said town. Such order shall specify a day on which said election will be holden. Said election shall be holden at the Court-house, and at a time not less than ten nor more than fifteen days after the date of the order; and in his order the Clerk shall appoint three qualified electors of said town to act as a Board of Election. Such order shall be posted in three public places in said town for at least ten days prior to such election. Such election shall be holden and conducted, as near as practicable, according to the general laws regulating elections in this State. The Board of Election shall issue certificates of election to the persons receiving the highest number of votes.

Election for Trustees, Assessor, and Collector.

SEC. 21. At least ten days before the time prescribed in this Act for the annual election in said town, the Board of Trustees shall appoint three qualified electors of said town to act as a Board of Election, and shall designate a place where such election will be held, and cause notices thereof to be given by posting notices in three public places in the town for at least five days before each annual election. And if at any time, from any cause, the citizens of said town shall fail to hold the annual election for officers, as provided in this Act, the County Clerk of Contra Costa County shall, upon

Annual elections.

the request of any citizen of said town, order an election to be holden for the election of such officers, and shall appoint a Board of Election, and give notice as prescribed in section twenty of this Act, and such Board of Election shall issue certificates of election to the persons elected, as provided in section twenty. All poll lists and the ballots cast at any town election shall be returned to and filed with the Board of Trustees.

SEC. 22. This Act shall take effect from and after its passage.

CHAP. DXLVII.—*An Act making appropriations for benevolent purposes.*

[Approved April 3, 1876.]

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

Appropriations.

SECTION 1. The following sums of money are hereby appropriated for the objects and purposes herein expressed: Magdalen Asylum, San Francisco, five thousand dollars; San Francisco Female Hospital, six thousand dollars; Ladies' Protection and Relief Society, San Francisco, seven thousand five hundred dollars; California State Woman's Hospital, four thousand dollars; San Francisco Lying-in and Foundling Hospital, six thousand dollars; Protestant Episcopal Church Home, San Francisco, one thousand dollars; Old Woman's Home (Rincon Hill), San Francisco, fifteen hundred dollars; Little Sisters' Infant Shelter, San Francisco, two thousand dollars; Sisters of Mercy Hospital, Los Angeles, two thousand dollars; Howard Benevolent Association, Sacramento, two thousand five hundred dollars; Stockton Ladies' Benevolent Association, one thousand dollars; Marysville Benevolent Association, one thousand dollars; Napa Ladies' Relief and Protection Society, one thousand dollars; Ladies' Benevolent Society of Placerville, one thousand dollars; St. Vincent de Paul Society, San José, five hundred dollars; St. Luke's Hospital, San Francisco, one thousand five hundred dollars; Scandinavian Ladies' Home, San Francisco, five hundred dollars; Ladies' Relief Society, Sacramento, one thousand dollars; California Prison Commission, two thousand dollars; Vallejo Ladies' Benevolent Association, one thousand dollars; Oakland Ladies' Relief Society, one thousand dollars; San José Ladies' Benevolent Society, one thousand dollars; San Diego Benevolent Society, one thousand dollars; Pacific Dispensary for Women and Children, San Francisco, one thousand dollars; Grass Valley Ladies' Relief Society, one thousand dollars; Nevada City Benevolent Society, one thousand dollars; to the Ladies' Aid Society, Petaluma, one thousand dollars. No more than one-half of the respective appropriations made under this Act shall be drawn during the twenty-eighth fiscal year.

CHAP. DXLVIII.—*An Act to create a City Criminal Court in and for the City and County of San Francisco, to define its powers and jurisdiction.*

[Approved April 3, 1876.]

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

SECTION 1. There is hereby created and established, in and for the City and County of San Francisco, a Court to be known and designated as the City Criminal Court, which Court shall have concurrent jurisdiction of all preliminary examinations of persons charged with felony in said City and County of San Francisco. Criminal Court created.

SEC. 2. Whenever any person, who is charged with misdemeanor in the Police Judge's Court of the City and County of San Francisco, shall demand a jury trial, the case shall be assigned and certified for trial to the City Criminal Court; and all persons indicted by the Grand Jury of said City and County of San Francisco for misdemeanor shall be tried for said offense in the City Criminal Court. The mode of examination, trial, and procedure in the City Criminal Court shall in all cases be governed by the same rules prescribed by law for other Courts in similar cases. Jurisdiction of.

SEC. 3. A Judge of the City Criminal Court shall be elected at the judicial election to be held in eighteen hundred and seventy-seven, and every four years thereafter, whose term of office shall be four years. The Governor of the State of California shall, within thirty days after the passage of this Act, appoint some suitable person as Judge of the City Criminal Court, who shall hold such office until his successor shall have been elected and qualified. The compensation of the Judge of the City Criminal Court shall be four thousand dollars per annum, payable in the same manner as the salary of the Police Judge of said city and county is now paid. Judge, election of.
Governor to appoint.
Salary

SEC. 4. The City Criminal Court shall hold its session in the City and County of San Francisco, in such central or convenient place as shall be provided for that purpose by the Board of Supervisors of said city and county. The said Board of Supervisors shall also, within thirty days after the passage of this Act, elect some suitable person as Prosecuting Attorney of the City Criminal Court, at a salary of two thousand four hundred dollars per annum, and shall elect a Clerk for said Court, at a salary of eighteen hundred dollars per annum, payable in the same manner as the salaries of the Judge and Clerk of the Police Judge's Court of said city and county are now paid. Attorney and Clerk, salaries of.

SEC. 5. The Judge of the City Criminal Court shall be a conservator of the peace in said City and County of San Francisco, and may exercise all the powers conferred by law upon the Police Judge as magistrate.

SEC. 6. The Chief of Police shall assign a police officer to act as Bailiff of said City Criminal Court, who shall receive no extra compensation for such services. Bailiff.

Judge to
be ex officio
Police Com-
missioner.

SEC. 7. The Judge of the City Criminal Court and the County Judge of said City and County of San Francisco are hereby made ex officio Police Commissioners of said city and county, with the same powers and duties as are now exercised by the other members of said Board of Police Commissioners, which Board shall, from and after the passage of this Act, consist of the Mayor, Police Judge, Chief of Police, the Judge of the City Criminal Court, and the County Judge of said City and County of San Francisco. No compensation shall be paid to or received by said officers as Police Commissioners.

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

CHAP. DXLIX.—*An Act for the incorporation of societies for the prevention of cruelty to children.*

[Approved April 3, 1876.]

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

Parties may
incorporate.

SECTION 1. Any five or more persons of full age, a majority of whom shall be citizens and residents within the State, who shall desire to associate themselves together for the purpose of preventing cruelty to children, may make, sign, and acknowledge, before any person authorized to take acknowledgments of deeds of this State, and file in the office of the Secretary of State, and, also, in the office of the Clerk of the county in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which said society shall be known in law, the particular business and objects of such society, the number of trustees, directors, or managers, to manage the same, and the names of the trustees, directors, or managers of the society for the first year of its existence; but such certificate shall not be filed unless the written consent and approbation of the District Judge of the district in which the place of business or principal office of such society shall be located, be indorsed on such certificate.

Powers of
corporation.

SEC. 2. Upon filing the certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this Act, be a body politic and corporate by its name stated in such certificate, and as such shall have power:

First—To have perpetual succession by its corporate name.

Second—To sue and be sued, complain and defend, in any Court of law or equity.

Third—To make and use a common seal, which may be affixed by making an impression directly in the paper, and alter the same at pleasure.

Fourth—To appoint such officers, managers, and agents, as the business of the corporation may require.

Fifth—To make by-laws, not inconsistent with the laws of this State or of the United States, for the management of its property and the regulation of its affairs.

Sixth—To contract and be contracted with.

Seventh—To take and hold by gift, purchase, grant, devise, or bequest, any property, real or personal, and the same to dispose of at pleasure. But such a corporation shall not, in its corporate capacity, hold real estate the yearly income derived from which shall exceed the sum of fifty thousand dollars.

Eighth—To exercise any corporate powers necessary for the exercise of the powers above enumerated and given.

SEC. 3. Any society so incorporated may prefer a complaint before any Court or magistrate having jurisdiction, for the violation of any law relating to or affecting children, and may aid in bringing the fact before such Court or magistrate in any proceeding taken.

May prefer complaint.

SEC. 4. All magistrates, Constables, Sheriffs, and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members, and agents, in the enforcement of all laws which now are or may hereafter be enacted relating to or affecting children.

Officers to give aid.

SEC. 5. The provisions of this Act shall not extend or apply to any association or individuals who shall, in the certificate filed as hereinabove provided, use or specify a name or style the same, or substantially the same, as that of any previously existing incorporated society in this State.

Act, how applied.

SEC. 6. This Act shall take effect immediately.

CHAP. DL.—[See volume of *Amendments to the Codes.*]

CHAP. DLI.—*An Act prescribing the manner of counting the moneys in the hands of the County Treasurer of the County of Sacramento.*

[Approved April 3, 1876.]

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

SECTION 1. The Treasurer of the County of Sacramento must permit the Chairman of the Board of Supervisors, Sheriff, and Auditor of said county, or any two of them, to examine his books and count the money in the treasury whenever they may wish to make an examination or counting.

Books to be examined.

SEC. 2. The Chairman of the Board of Supervisors, Sheriff, and Auditor, or any two of them, must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

Counting of moneys

First—The amount of money that ought to be in the treasury.

Code not to apply.

Second—The amount of money and kind actually therein.
 SEC. 3. The County of Sacramento is hereby made exempt from the provisions of sections four thousand one hundred and sixty-five and four thousand two hundred and twenty-one of the Political Code.

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

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

CHAP. DLII.—*An Act to regulate and govern the California State Prison.*

[Approved April 3, 1876.]

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

Governor to appoint Directors.

SECTION 1. For the government and management of the California State Prison there shall be appointed by the Governor, on or before the first Monday in January, A. D. eighteen hundred and eighty, three Directors, two of whom shall hold office until the first Monday in January, A. D. eighteen hundred and eighty-two, and the other until the first Monday in January, A. D. eighteen hundred and eighty-four, or until their successors are appointed and qualified, and in the month of January, A. D. eighteen hundred and eighty-two, and in the same month, biennially thereafter, he shall appoint, by and with the advice and consent of the Senate, alternately, first, two Directors, and then one, who shall hold their offices for the period of four years and until their successors are appointed and qualified, and subscribe an oath of office which shall be indorsed on his commission.

Directors to organize

SEC. 2. Said Directors shall hold their first meeting within thirty days after the appointments as provided in section one of this Act, and at their meeting in January, biennially thereafter, elect one of their number President of the Board.

SEC. 3. A majority of the Board shall constitute a quorum for the transaction of business, and no order of the Board shall be valid unless it is entered on the journal and is concurred in by two members.

Duties of Directors.

SEC. 4. It shall be the duty of the Directors:

First—To prescribe rules and regulations for the government of the prison, specifying the duties of all the officers, and to revise and change the same, from time to time, as circumstances may require. At least two of said Directors shall visit the prison, in company, on the first Tuesday in each month, and examine all the different departments and audit all claims against them. The Directors shall order an inspection of the prison by one of their number, at least once in each month.

Second—All of the Directors shall meet at the State Prison on the first Tuesday in January, April, July, and October, and in addition to the duties above described they shall examine the books and accounts of the Clerk and Steward.

Third—To enter on their journal the result of all examinations, whether by a full Board or a portion thereof, and of all other official acts, which shall be signed by the members present.

Fourth—On or before the fifteenth of November, and biennially thereafter, to report to the Governor the condition of the prison, together with a detailed statement of its receipts and expenditures, and such suggestions as its interests may require.

Fifth—During their official visits to the prison, and of the Warden at all times, to hear any and all complaints that any prisoner or officer of the prison may wish to make, and a record of any complaint so made shall be kept in writing by the members of the Board or Warden; said record must be held strictly private and exhibited to none but the officers enumerated above.

SEC. 5. The Directors shall appoint a Warden, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, and enter into a bond to the State of California, in the sum of fifteen thousand dollars, with two good and sufficient freehold sureties, to be approved by the Directors and the Attorney-General of the State, conditioned for the faithful performance of the duties which may devolve upon him as such officer, and he shall hold his office for the term of four years from and after the first Tuesday in January next after his appointment, unless sooner removed by the Directors.

Warden,
bond of.

SEC. 6. The Warden shall reside at the State Prison, in apartments to be assigned to him by the Directors, and to be furnished at the expense of the State in a plain and substantial manner, under the direction and supervision of the Directors; and it shall be his duty:

Duties of
Warden.

First—To carefully supervise the government, discipline, and police of the prison.

Second—To give all necessary directions to the inferior officers and guards, and to secure a careful and diligent discharge of their several duties.

Third—To examine daily into the state of the prison, and the health, condition, and safety of the convicts.

Fourth—To report to the Directors, at each quarterly meeting, the number of guards employed, their names and duties, and such other matters as may be required.

Fifth—And generally to have charge of all the departments of the prison and its officers, as its executive head.

SEC. 7. The Board shall appoint a clerk, a steward, a physician, and a teacher; and the Warden shall appoint, by and with the advice and consent of the Board, Superintendents of the yard, kitchen, shops, hospital, a Captain of the Guard, and as many guards as may be necessary, subject to the right of the Board, at any time, to order the number

Officers to be
appointed by
Directors.

increased or diminished. All persons so appointed shall take an oath of office, and enter into a bond to the State, with sureties satisfactory to the Board, that they will faithfully discharge the duties which devolve upon them: The Clerk, in the sum of five thousand dollars; the Steward, in the sum of eight thousand dollars, the Superintendents and Captain of the Guard, each in the sum of eight hundred dollars; and the guards, each in the sum of five hundred dollars. Each of said persons shall discharge the duties pertaining to his position under the direction of the Warden, and in pursuance of the rules and regulations of the Board, and of this Act. All officers appointed under the provisions of this section shall hold their offices for the period of four years, unless sooner removed as provided in section thirteen.

Duties of
Clerk

SEC. 8. The Clerk shall keep the accounts of the prison in such a manner as to exhibit clearly all the financial transactions of it; he shall also keep a register of convicts, in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county, by what Court sentenced, his nativity, an accurate description of his person, and if known, whether he has been previously confined in a State Prison in this or any other State, and when and how he was discharged. The Clerk shall also act as Secretary of the Board.

Deputy
Warden

SEC. 9. In addition to the duties which may be prescribed by the Board, the Deputy Warden shall, in the absence or disability of the Warden, or in case of his death, resignation, or removal, discharge all the duties of that office.

Contracts for
supplies

SEC. 10. The Board of Directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and other supplies for the prison, for any period of time not exceeding one year, such contracts shall be given to the lowest bidder, at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and price. Each bid shall be accompanied by a bond, in such penal sum as said Board shall determine, with good and sufficient sureties, conditional for the faithful performance of the terms of such contract. Notice of the time, place, and conditions of the letting of each contract shall be given for at least four consecutive weeks, in two daily newspapers printed and published in the City of San Francisco, and one newspaper printed and published in the City of Sacramento, and also four insertions in a weekly paper published in the county in which the prison is situated. If all the bids made at such letting are deemed unreasonably high, the Board may, in their discretion, decline to contract, and may again advertise for proposals, and may so continue to renew the advertisement until satisfactory contracts may be had, and, in the meantime, the Board may contract with any one whose offer may be regarded just and proper, but no contract thus made shall be let to run more than sixty (60) days, or shall in any case extend beyond the public letting. No bid shall be accepted, and a contract entered into [in] pursuance thereof, when such bid is higher than any other bid made at the same letting for the same article,

and when a contract can be had at such lower bid. When two or more bids for the same article are equal in amount, the Board may select the one which, all things considered, may by them be considered best for the interests of the State, or they may divide the contract between the bidders, as in their judgment may seem proper and right; *provided*, that no contract shall be given, or purchase made, in which any member of the Board or any officer of the prison is interested. All contracts or purchases made in violation of this section shall be void.

SEC. 11. A Director shall not be appointed to any other office under this law during the period for which he was appointed such Director. Directors.

SEC. 12. No person shall be appointed to any office, or be employed in the prison on behalf of the State, who is a contractor, or the agent or employé of a contractor, or who is interested directly or indirectly in any business carried on therein; and should any officer or employé become such contractor, his agent or employé, or become interested in such business, it shall be cause for his removal; and no person who is not a citizen of the United States and of California, shall be appointed by the Warden a guard, or a Superintendent, or Captain of the Guard, or who is less than twenty-one years of age; nor shall any one be appointed to office, or employed by virtue of this Act, who is in the habit of using intoxicating liquors. A single act of intoxication shall justify a discharge or removal. Qualifications of officers and employés.

SEC. 13. Any officer appointed by the Warden and Board of Directors, or by the latter, may be removed for delinquency in the discharge of his duty, misconduct in office, or for any other cause which materially affects his usefulness or fidelity; and any officer or employé appointed by the Warden may be suspended for either of the same causes. In all cases of removal or suspension, the cause thereof shall be fully stated in writing. If it is an officer appointed or approved by the Board, it shall be entered at large on the journal, and if it be a suspension by the Warden, it shall be presented to the Board at their next meeting thereafter. If the suspension is approved, the officer or employé shall be discharged; if not, he shall be reinstated, and in the latter case the Board may, in their discretion, order that he shall receive his pay during the time suspended. Removal and suspension.

SEC. 14. If the office of Director shall become vacant by death, resignation, or other cause, the vacancy shall be filled for the unexpired term by the Governor, subject to the approval of the Senate, if in session, and if not, subject to its approval at its first session thereafter. If any office becomes vacant in any manner, which is filled by the Warden and Directors, or by either of them, the vacancy shall be filled in the same manner as prescribed in section seven of this Act. Vacancies.

SEC. 15. The officers and employés shall receive the following compensation, to wit: The Directors, in addition to their necessary traveling expenses, shall be paid eight dollars per day for the time necessarily employed in the discharge Salaries, etc., of officers and employés.

of their official duties; the Warden, twenty-five hundred dollars per year; the Clerk, twelve hundred dollars per year; the Steward, twelve hundred dollars per year; the Physician, twelve hundred dollars per year; the Captain of the Guard, twelve hundred dollars per year; the Teacher, seventy-five dollars per month; the Superintendents of the yard, kitchen, shops, and hospital, seventy-five dollars per month each; and the guards, fifty dollars per month each. The Captain of the Yard shall be ex officio Deputy Warden. The Directors shall be paid quarterly, and the officers and employés monthly, out of the treasury of the State, on the warrant of the Controller.

Moneys. SEC. 16. No money shall be drawn from the treasury except upon accounts duly certified by the Warden, and approved by two Directors. A triplicate of every such account shall be filed with the Clerk.

Same. SEC. 17. No money shall be paid to the Steward for or on account of any claim due the prison for sales made by him, or any other acts of his. All moneys so due shall be paid to the Warden. Duplicate accounts shall be made out by the Steward; one to be retained by him, and the other certified to the Warden. When the amount is paid to the Warden, he shall receipt the account, and it shall be properly entered on the books by the Clerk; and payment to the Warden shall alone discharge such liability.

Entrance fee for visitors. SEC. 18. Visitors may be charged a reasonable sum for going through the prison, which sum shall be prescribed by the Board. The Warden shall procure suitable tickets, which shall be sold by the Clerk, who shall keep an account of such sales, and pay over the money to the Warden daily. The guard at the entrance shall receive the tickets, and also keep an account of them in a book as they are received, and return them to the Clerk each day before the prison is closed.

SEC. 19. All other revenues, except as herein otherwise provided, shall be paid to the Warden.

Cash account. SEC. 20. The Warden shall balance his cash account each month, and report the same to the Board, if in session, at their first meeting thereafter, and, on the fifth week-day of each month, pay into the treasury so much as is, in the opinion of the Board, not required for the current expenses of the prison.

Contracts for labor by prisoners. SEC. 21. In order to provide for hard labor by each convict, according to his sentence, the Directors are hereby authorized and required to let and hire the labor of the convicts upon such branches of business, and for the manufacture of such articles, as, in their judgment, will best accomplish that end, and subserve the interests of the State, which letting and hiring shall be as follows:

How let. *First*—The letting shall be advertised by the Warden in two of the daily newspapers published in San Francisco, and one in each of the Cities of San José and Sacramento, once a week, for at least four weeks, and by such further notice as the Board may direct. The advertisement shall specify the number of men to be let; the length of time,

which shall not exceed four years, and the last day on which bids will be received. Contracts,
how let.

Second—The Board may, in their discretion, designate what articles or class of articles shall be manufactured.

Third—Each bidder may separately state in his bid what he will give for the labor bid for, with or without the exclusive right to manufacture the articles specified.

Fourth—Each bid shall specify each article proposed to be manufactured, and the number of square feet of shop-room which will be required.

Fifth—Each bid shall be unconditional.

Sixth—The price per day for each convict shall be specified; and if a different price per day is stated for different periods of time, each period and its price must be as stated, and one may be accepted and the other rejected, or the Board may, in its discretion, reject all the bids and readvertise the labor; *provided*, that no labor be let for use in any mechanical department at a less rate than fifty cents per day; *and provided further*, that all labor to be otherwise employed, with the exception of that of minors under eighteen years of age, females, and cripples, or those disabled by old age or disease, shall not be let less than fifty cents per day.

Seventh—If the person bidding desires to manufacture different classes of articles, the labor to be employed on each class must be bid for separately.

Eighth—Each bid must be accompanied by a bond, with sureties to the satisfaction of the Board, that the bidder will comply with the terms of his bid, if it is accepted, sealed and addressed to the Warden.

Ninth—The bids shall be opened by the Board at their next meeting, whether monthly or quarterly, after the last day specified for receiving the bids, and the labor shall be awarded to the highest bidder or bidders, subject to the following regulations: (a) As between bids which are for substantially the same price, the Board may, in its discretion, give a preference to the one which, in their judgment, will best promote the interests of the State. (b) As between bids by the same party, one with and the other without the exclusive right to manufacture, the Board may accept either. (c) The Board may reject all bids if they are for a less than a fair and reasonable price for the labor bid for, nor shall the Board be required, in any case, to apportion the labor advertised among the bidders. (d) Any bid may be rejected if it is against the interests of the State, or the welfare of the convicts, that the articles specified should be manufactured in the prison.

Tenth—Where a bid is accepted, and labor is awarded to the bidder, the Directors, on the part of the State, shall require of him a bond, to be approved of by them, conditional for the faithful performance of the contract. Said bond shall be deposited and remain with the Clerk for inspection during the time of the advertisement.

Eleventh—The Board may give to a bidder, after he shall have entered into a contract, a reasonable time to procure

machinery and make preparations for manufacturing, not exceeding sixty days from the acceptance of the bid.

Twelfth—If a contract is made for the exclusive right of manufacturing the article therein named, all contracts made subsequently by the same party, covering the same period of time, and for the manufacture of the same articles, or any of them, shall terminate at the same time with the first contract.

Thirteenth—If any contractor shall not manufacture one or more of the class of articles specified in his contract, the Board may give him three months' notice to manufacture them, and on failure of the contractor to do so within that period, the right to manufacture them shall cease and determine.

Payments by
contractors

SEC. 22. On or before the fifth week-day of each month, the Clerk shall make out, and the Warden certify to and deliver to the Auditor of State, a statement of the amount due from each contractor for the preceding calendar month, and within five days thereafter each contractor shall, in the ordinary mode prescribed by law, pay the amount due into the treasury.

Work by
prisoners not
employed
under
contracts.

SEC. 23. All convicts not employed on contracts, as provided in this Act, may be employed by authority of the Directors, under charge of the Warden and such skilled foremen as the Directors may deem necessary, in the performance of work for the State, or in the manufacture of any article or articles which, in the opinion of the Directors, will inure to the best interests of the convicts and State; *provided*, that among the articles of furniture to be manufactured by prison labor, there shall be a sufficient amount of school-house furniture to supply the State. And the said Board are hereby authorized to purchase, from time to time, such tools, machinery, and materials, and to employ such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured and not needed by the State, at public auction, either at the prison, or in the City and County of San Francisco, after having first given notice of such sale by advertising the time and place thereof, together with a list of the articles to be sold, in ten consecutive issues of three daily newspapers, published in the English language, in said City and County of San Francisco. The money received from the sale of any and all articles so sold shall be by said Directors paid into the State treasury, to the credit of the State Prison Fund, to be used in the maintenance and support of said State Prison.

Proceeds,
how used.

Warden may
employ
parties not
convicts.

SEC. 24. The Warden, under the direction of the Board, may employ a portion of the convicts in the manufacture and repair of any articles used by the State in carrying on the prison; he may also procure machinery and prepare shop-room for that purpose, and employ such persons as may be necessary to instruct the convicts in such manufacture. If such persons are employed, the terms of employment shall be fixed and determined by the Board.

SEC. 25. No work, labor, or service shall be performed by a convict, within the prison, except as herein provided for, unless it is expressly authorized by the Board.

SEC. 26. In the treatment of the prisoners, the following general rules shall be observed: Each convict shall be provided with a bed of straw, or other suitable material, and sufficient covering of garments of coarse material, and with sufficient plain and wholesome food in such variety as will be most conducive to good health. Treatment
of prisoners.

Second—If any prisoner is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the Board to modify it so far as may be necessary to prevent any serious injury to health. No unnecessary labor shall be required of any convict on Sunday.

Third—No punishment shall be inflicted except by the order and under the direction of the Warden.

Fourth—All money in possession of a prisoner, when he is delivered at the prison, shall be properly entered on the Clerk's book, and if not otherwise disposed of by the prisoner, shall be deposited in the treasury by the Warden, with other funds in his hands.

Fifth—The rules and regulations prescribing the duties and obligations of prisoners shall be printed and hung up in each cell and shop.

Sixth—Each convict, when he leaves the prison, shall be supplied with a suit of citizen's clothes, with the money taken from him when he entered, and which has not been disposed of by his order, together with what he may have earned by good conduct and diligent labor.

Before discharging any convict who may be insane, or a lunatic, at the time of the expiration of his sentence, the Warden shall first give notice in writing to the Probate Judge of the county in which the State Prison is located, of the fact of such insanity or lunacy; whereupon, said Judge shall forthwith issue his warrant to the Sheriff of such county, commanding him to remove such insane or lunatic convict and take him before said Judge. Upon the receipt of such warrant, it shall be the duty of said Sheriff to whom it is directed, to execute and return the same forthwith to the Probate Judge by whom it was issued, and thereupon the said Probate Judge shall immediately order such insane or lunatic person to be confined and provided for as directed by section (2218) twenty-two hundred and eighteen of the Political Code; the Sheriff shall receive the same compensation as for transferring a prisoner to the State Prison, and the State Controller shall draw a warrant on the State Treasurer for the amount. If any such Probate Judge, after having been so notified by the Warden, shall neglect to issue his warrant as herein provided, or any such Sheriff shall neglect to remove such insane or lunatic convict, as required by the provisions of this section, it shall be the duty of the Warden to cause such insane or lunatic convict to be removed before the County Judge of the county in which the prison is located, in charge of an officer of the prison, or some other suitable person, and the cost of such removal shall be paid out of the State treasury in the same manner as when removed by the Sheriff as herein provided. Insane
convicts.

Behavior of convicts; rewards and punishments for.

SEC. 27. In order that good behavior may be properly rewarded, it shall be the duty of the Board to provide, in its rules and regulations, for a correct daily record of the conduct of each prisoner, and of his fidelity and diligence in the performance of his work. Each one who is sentenced for a definite time shall be entitled to diminish the period of his sentence and receive a portion of his earnings, not to exceed in any case ten per cent. of his gross earnings, in the discretion of the Board, and to citizenship, under the following rules and regulations:

First—For each calendar month, commencing on the first day of the month next after his arrival at the prison, during which he shall not be guilty of any breach of discipline or of violating any of the rules or regulations of the prison, and shall labor with diligence and fidelity, he shall be allowed a deduction of five days from the period of his sentence, and a portion of his earnings, as provided for in this section.

Second—For every violation of the rules, or breach of discipline, or want of fidelity and care in the performance of work, the convict shall not only forfeit all gained time and earnings for the month in which the delinquency occurs, but, according to the aggravated nature or frequency of the offense, the Board may deduct a portion or all of his previously gained time and money, or either of them.

Third—If a convict shall pass the entire period of his sentence without any infraction of the rules or breach of discipline, he shall be entitled to a certificate thereof from the Warden, and on presenting it to the Governor, he shall be restored to citizenship.

Fourth—If he is prevented from labor by sickness or other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to a deduction of two and one-half days per month from the period of his sentence, and if indigent at the time of his discharge, he shall be supplied with the sum of ten dollars, to be paid out of the State Prison Fund.

Fifth—Each convict who performed labor, but not on a contract, and whose conduct and fidelity entitle him to it, shall be allowed a sum, in lieu of earnings, which shall not exceed one-tenth of the average contract price in the prison,

SEC. 28. All criminals sentenced to the State Prison by the authority of the United States, shall be received and kept according to the sentence of the Court by which they were tried, and the prisoners so confined shall be subject, in all respects, to the same discipline and treatment as though committed under the laws of this State. The Warden is hereby authorized to charge and receive from the United States, for the use of the State, for each prisoner, an amount sufficient for the support of such convicts, the cost of all clothing that may be furnished, and one dollar per month for the use of the prisoner, and if additional guards are required, the compensation of such guards; no other or further charge shall be made by any officer for or on account of such prisoners.

SEC. 29. No officer or employé shall receive, directly or indirectly, any other compensation for his services than that

United States prisoners.

Officers and employés not to receive extra pay.

herein prescribed, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent or employé of a contractor; for every violation of this section, the officer, agent, or employé of the State engaged therein, shall be dismissed from his office or service, and every contractor, or employé or agent of a contractor, engaged therein, shall be expelled from the prison, and not again permitted within as a contractor, agent, or employé.

SEC. 30. No officer or employé of the State, or contractor or employé of a contractor, shall make any gift or present to a convict, or receive any, or have any barter or dealings with a convict. For every violation of this section the party engaged therein shall incur the same penalty as is prescribed in section twenty-nine.

Convicts not to receive gifts.

SEC. 31. No officer or employé of the prison shall be interested, directly or indirectly, in any contract or purchase made, or authorized to be made, by the Steward; nor shall the Steward make any purchase or sales for or in behalf of the prison, in connection with any other party or interest whatever.

Officers to be disinterested

SEC. 32. Every cost bill shall be presented to the Warden when a prisoner is delivered at the prison. The Warden shall certify on it that the prisoner has been received, and the bill shall then be audited and allowed by the Board of Examiners, and paid out of any moneys in the State treasury appropriated for that purpose. And it is hereby made the duty of the Board of Examiners, before auditing the claim, to correct any errors therein, as to form, items, or amount.

Cost bills.

SEC. 33. All the bonds of officers and employés, under this Act, shall be deposited with the State Treasurer.

Bonds.

SEC. 34. If any of the shops or buildings, in which the convicts are employed, are destroyed or injured by fire, they may be rebuilt or repaired immediately, under the direction of the Board, and the expenses thereof paid out of any funds in the State treasury not otherwise appropriated by law.

Losses by fire.

SEC. 35. The Directors and present contractors, or any of them, may, by agreement, modify existing contracts so as to make them conform to the provisions of this Act; and the Directors may permit any bids now pending before them to be amended or altered so as to conform in every respect to the provisions of this Act, or may accept or reject them, according to the provisions hereof.

Contracts may be modified, etc.

SEC. 36. The Board must report to the Legislature, at each regular session, the names of any persons confined in the State Prison who, in their judgment, ought to be pardoned and set at liberty, on account of good conduct or unusual terms of sentence, or any other cause which, in their opinion, should entitle such prisoner to pardon; and whenever the Legislature, by a majority vote of both houses, recommend to the Governor any or all the persons reported worthy of pardon, he may thereupon pardon such prisoners.

Pardons.

SEC. 37. This Act shall take effect and be in force from and after the first Monday in January, A. D. one thousand eight hundred and eighty, except section twenty-one, which

go into effect as soon as the present contracts for labor expire.

SEC. 38. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. DLIII.—*An Act relative to apprentices and masters.*

[Approved April 3, 1876.]

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

Minors may
be appren-
ticed.

SECTION 1. All minors, at the age of fourteen years, may be bound by covenant or indenture, in conformity with the stipulations herein specified, to any mechanical trade or art, or the occupation of farming, as apprentices; males, to the age of twenty-one years, and females to the age of eighteen.

By whom.

SEC. 2. Minors, at or above the age of fourteen years, may be bound by the father, or, in case of his death, incompetency, or where he shall have willfully abandoned his family for one year, without making suitable provision for their support, or has become an habitual drunkard, vagrant, etc., then by their mother, or by their legal guardian; and if illegitimate, they may be bound by their mother; and if they have no parent competent to act, and no guardian, they may bind themselves, with the approbation of the County Court of the county where they reside; but the power of a mother to bind her children, whether legitimate or illegitimate, shall cease upon her subsequent marriage, and shall not be exercised by herself or her husband, at any time during her marriage, without the approval of the County Court of the county wherein she or he resides.

Consent of
minor
necessary.

SEC. 3. In all cases, the consent of the minor, personally, is required as a party to the covenant, and should be so expressed in the indenture, and testified by his or her signing the same.

Indentures.

SEC. 4. Indentures shall be signed, sealed, and delivered in duplicate copies, in the presence of all the parties concerned, and when made with the approbation of the County Court, or the Judge thereof, in vacation, such approbation shall be certified in writing indorsed upon each copy of the indenture. One copy of the indenture shall be kept for the use of the minor by his parent or guardian (when executed by them, respectively), but when made with the approbation of the County Court, it shall be deposited in the safe-keeping of the Clerk of said Court for the use of the minor. The other copy shall be held by the master, and delivered up by him to the apprentice at the expiration of his term of service.

Same.

SEC. 5. No indenture of apprentice, made in pursuance of this Act, shall bind the minor after the death of his master, but the apprenticeship shall be thenceforth discharged, and the minor may be bound out anew.

SEC. 6. Facts of incapacity, desertion, drunkenness, vagrancy, etc., shall be decided in the County Court by a jury, before the indenture shall take effect, and an indorsement on the indenture, under seal of the Court, that the charge or charges are proved, shall be sufficient evidence of the mother's power to give such consent; but if the jury do not find the charge or charges to be true, the person at whose instance such proceedings may have been had shall pay all costs attending the same. Indentures.

SEC. 7. The executor who, by the will of the father, is directed to bring up his child to a trade or calling, shall have power to bind such by indenture in like manner as the father, if living, might have done. Executor may bind.

SEC. 8. When any minor who is poor, homeless, chargeable to the county, or an outcast, has no visible means of obtaining an honest livelihood, it shall be lawful for the County Court to bind such apprentice until, if a male, he arrives at the age of twenty-one, and if a female, to the age of eighteen. County Court may bind.

SEC. 9. It shall be unlawful for any master to remove an apprentice out of this State; and in all indentures by the County Court for binding out any orphan or homeless minor as an apprentice, there shall be inserted, among other covenants, a clause to the following effect: that the master to whom such minor shall be bound shall cause the same to be taught to read and write, and the ground rules of arithmetic, the compound rules, and the ratio and proportion, and shall give him requisite instruction in the different branches of his trade or calling; and at the expiration of his term of service, shall give him two full new suits of clothes and the sum of fifty dollars, gold; and if a female, she shall receive two fine new suits of clothes and the sum of fifty dollars, gold; the two new suits in either case to be worth at least sixty dollars, gold. Obligations of masters.

SEC. 10. All considerations of money or clothes paid or allowed by the master, in conformity with the foregoing section, are the sole property of the apprentice, and to whom the master is accountable for the same, and he shall pay or donate into the hand of the apprentice alone.

SEC. 11. Parents and guardians and the County Court shall, from time to time, inquire into the treatment of the children bound by them respectively, or with their approbation; and the Judges of the County Courts shall be responsible for the charge of indentured apprentices bound by the approbation of their predecessors in office, and defend them from all cruelty, neglect, breach of contract, or misconduct on the part of their masters. Treatment of apprentices.

SEC. 12. The age of every apprentice shall be inserted in the indenture, and all indentures entered into, otherwise than as is herein provided, shall be, as to all apprentices under age, utterly void. Age to be stated.

SEC. 13. The County Court shall hear the complaints of apprentices who reside within the county, against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, want of instruc- Court to hear complaints.

tion in the different branches of their trade or calling, or that they are in danger of being removed out of the State, or any violation of the indenture of apprenticeship; and the Court may hear and determine such cases, and make such order therein as will relieve the party injured in future.

Court may discharge apprentice.

SEC. 14. The County Court shall have power, where circumstances require it, to discharge an apprentice from his apprenticeship, and in case any money or other thing has been paid, or contracted to be paid by either party, in relation to such apprenticeship, the Court shall make such order concerning the same as shall seem just and reasonable. If the apprentice so discharged shall have been originally bound by the County Court, it shall be the duty of the Court, if found necessary, again to bind such apprentice, if under age.

Liability of master.

SEC. 15. Every master shall be liable to an action on the indenture for the breach of any covenant on his part therein contained; and all damages recovered in such action, after deducting the necessary charges in prosecuting the same, shall be the property of the minor, and shall be applied and appropriated to his use by the person who shall recover the same, and shall be paid to the minor, if a male, at the age of twenty-one years, and if a female, at the age of eighteen years. If such action is not brought during the minority of such apprentice, it may be commenced in his own name at any time within six months after coming of age, but not later than two years.

Action against apprentice for neglect, misdemeanor, etc.

SEC. 16. An apprentice who shall be guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, shall render himself liable to the complaint of the master to the County Court of the county wherein he resides, which complaint shall set forth the circumstances of the case; and to said complaint shall be attached a citation, signed by the Clerk in said Court, requiring the apprentice and all persons who have covenanted in his behalf, to appear and answer to such complaint, which complaint and citation shall be served on them in the usual manner of serving civil process.

Court may dissolve apprenticeship.

SEC. 17. The Court shall proceed to hear and determine the cause, and after a full hearing of the parties, or if the adverse party shall neglect to appear after due notice, the Court may render judgment or decree that the master be discharged from the contract of apprenticeship, and for the costs of suit; such costs to be recovered of the parent or guardian of the minor, if there be any who signed the indenture, and execution therefor issued accordingly; and if there be no parent or guardian liable for such costs, execution may be issued therefor against the minor, or the amount thereof may be recovered in an action against him after he shall arrive at full age.

Costs.

SEC. 18. The parties to an indenture shall also be liable to the master in an action on the indenture, for the breach of any covenant on their part therein contained, committed before the master was so discharged from such indenture.

SEC. 19. It shall be unlawful for any person to entice, counsel, or persuade to run away any apprentice, or employ, harbor, or conceal such, knowing said apprentice to be a runaway, and the parties so offending shall be guilty of a misdemeanor, and be subject to fine of not less than fifty and not more than one hundred dollars, to be recovered by the master in any Court having jurisdiction thereof.

SEC. 20. Whenever any master of an apprentice shall wish to remove out of this State, or to quit his trade or business, he shall appear with his apprentice before the County Court of the proper county, and if the Court be satisfied that the master has done justice to the said apprentice, for the time he has had charge of the same, such Court shall have power to discharge such apprentice from the service of such master, and again bind him, if necessary, to some other person.

SEC. 21. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAP. DLIV.—*An Act to authorize Quincy School District to issue bonds for building purposes.*

[Approved April 3, 1876.]

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

SECTION 1. The Trustees of Quincy School District, in the County of Plumas, are hereby authorized and empowered to call an election, at which shall be submitted to the electors of the district the question whether bonds of said school district, to the amount of four thousand dollars, shall be issued for the purpose of erecting and furnishing a school-house.

SEC. 2. Such election shall be called by posting notices in three of the most public places in the district, for not less than ten days, and publishing such notices for at least two weeks prior to said election, in a newspaper published in said county.

SEC. 3. The Trustees shall appoint one Inspector and two Judges to conduct such election, and said election shall be held in all respects as nearly as practicable in conformity with the general election law.

SEC. 4. At such election the ballots shall contain the words "School bonds to issue—Yes," or "School bonds to issue—No," printed or written thereon.

SEC. 5. If at such election a majority of the votes cast shall be "School bonds to issue—Yes," then the Trustees of said school district shall be authorized, and are hereby empowered and directed, to issue bonds of the Quincy School District for the sum of four thousand dollars, payable in gold coin,

in ten years after the date of said bonds, and to bear interest at the rate of ten per cent. per annum, payable annually in gold coin at the office of the County Treasurer of Plumas County.

Form of
bond

SEC. 6. Said bonds shall be of the denomination of one hundred dollars each, with coupons for interest attached, and shall be signed by the Chairman and Clerk of said Board of Trustees, and by the School Superintendent of said county, and by the County Auditor of said county, and shall be authenticated by the seal of said County Auditor; and each of said bonds shall purport that the said school district owes to the holder thereof the sum of one hundred dollars, in gold coin, payable and having interest aforesaid.

How signed

SEC. 7. The said School Superintendent must sign said bonds when the same shall have been issued and signed by said Chairman and Clerk of the Board of Trustees, and the said Auditor must sign and authenticate with the proper seal each of said bonds, after the same have been signed by said School Superintendent.

Elections for
Assessor and
Collector

SEC. 8. Within three months after the issuance of any bonds, under the provisions of this Act, and every year thereafter, until all the bonds and the interest thereon are fully paid, the qualified electors of Quincy School District shall elect one District Assessor and one District Tax Collector. The first election of said officers shall be held at such time and place as shall be designated by the Board of Trustees. All subsequent elections must be held at the same time as is by law required for the election of District Trustees, and notice of such election must be given, officers to conduct the same must be appointed, and the same must be conducted in all respects as the law requires for the election of District Trustees, except in this: that the officers conducting said elections must, within three days thereafter, make return thereof to the said Board of Trustees, and said Board must canvass said election returns, and must issue thereupon certificates of election to the persons having received the highest number of votes cast. The term of office of the persons so elected at the first election shall commence upon their reception of a certificate of election and qualifying, as herein provided, and shall continue until the first Monday in July in the second year after their election; and thereafter the term of said officers shall commence on the first Monday in July after their election, and continue for one year, and until their successors are elected and qualified. The persons elected to said offices, within ten days after receiving their certificates of election, must qualify by taking the oath of office, and executing and filing with the District Clerk an official bond in the sum of one thousand dollars; said bonds to be executed in the same manner as other official bonds, and said bond to be approved by the Chairman of the Board of Trustees.

Bonds of

Duties of
Assessor

SEC. 9. It shall be the duty of the District Assessor, immediately after his election as such Assessor, and thereafter on the second Monday in July in each year, to commence making an assessment of all property in said district, both real and personal, liable to taxation. Such assessment shall be made

in the same manner as the assessment for State and county purposes is required by law to be made, and said District Assessor, within his district, have and exercise all the powers by law conferred upon County Assessors. Said assessment in each year shall be finished, and the assessment roll delivered to the Board of Trustees of said district, on the last Monday in August of each year

SEC 10. The Trustees, after receiving the assessment roll from the Assessor, must give five days' notice thereof, by posting notices in three public places in said district, and at such times and places as have been named in such posted notices they must sit as a Board of Equalization; their sessions as such must continue for at least two days, and not more than five days. During their session they must equalize said assessment, and for that purpose they have the same power as the County Board of Equalization to make any change in said assessment roll. As soon as the work of equalization has been completed, the Trustees must levy a tax upon the property in said district sufficient in each year to pay all the interest accruing on all the bonds issued under the provisions of this Act during the year, and all the expenses of assessing and collecting said tax, also, sufficient to create a Redemption Fund of not less than four hundred dollars nor more than one thousand dollars annually. They shall also compute the rate to be levied, as required by the Political Code in relation to other district taxes; and said taxes, when so levied, shall be a lien upon all the property in said district upon which they are assessed; which lien shall attach in each year on the second Monday in July, and shall continue until said taxes are fully paid, or until the property upon which the same has been assessed vests absolutely in a purchaser, under a valid sale, for the satisfaction of such taxes.

Equalization
of taxes

Interest and
Redemption
Fund

SEC. 11. Immediately after the levy of the taxes aforesaid the District Clerk and the Assessor must compute and carry out on the assessment roll the amount of taxes due from each person or each parcel of property assessed, in the same manner as the law requires the Auditor to do in the county assessments, and on the first Monday in October of each year the Clerk of the district must deliver to the District Collector the said district assessment roll, duly certified by the said Clerk, and he must take a receipt therefor from said Collector, and must charge him with the full amount of the taxes due thereon; and said District Clerk must immediately forward a copy of said receipt, certified to by him, to the County Auditor of said county.

Assessment
roll

SEC. 12. The District Collector, after receiving said assessment roll, must collect the taxes due thereon from the persons and property assessed, in the same manner as the County Tax Collector is by law required to collect State and county taxes; and the taxes remaining unpaid on said district assessment roll shall, in each year, become delinquent at the same time State and county taxes become delinquent, and on said delinquent taxes the same percentage shall be allowed, and they shall be collected in the same manner as delinquent

Duties of
Collector

State and county taxes. For the purpose of collecting said taxes, the District Tax Collector shall have and exercise, within said district, the same powers that by law are conferred upon the County Tax Collector. The District Tax Collector must pay over all moneys collected by him to the County Treasurer, and must make settlement therefor with both the County Auditor and the District Clerk at the same time and in the same manner as the County Tax Collector is required by law to do in relation to State and county taxes.

Auditor to
settle with
Collector.

SEC. 13. The County Auditor, upon receiving the copy of the receipt of the Tax Collector, provided for in section eleven of this Act, must charge the District Collector with the amount of taxes receipted for, in an account to be kept by him, and must make settlement with him, in relation to said district assessment roll, in the same manner that he is required to charge the County Tax Collector and settle with him on account of State and county taxes; and upon receiving from said Collector the Treasurer's receipts for moneys paid him on account of such taxes, the County Auditor must charge the County Treasurer with the amount specified in such receipt.

County
Treasurer.

SEC. 14. It shall be the duty of said County Treasurer to place all moneys paid into the county treasury, by virtue of this Act, to the credit of said school district, and shall be subject to and be and [used] by said Trustees for the payment of the interest of said bonds, and for their redemption in the manner hereinafter provided.

Proceeds,
how applied

SEC. 15. The said School Trustees are hereby authorized and empowered to use the said bonds, or the money realized from the sale thereof, for the erection of a suitable building for public school purposes, and for furnishing the same, and for making necessary improvements upon the lot upon which such building is located, and for no other purpose.

Sale of
bonds.

SEC. 16. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bid or bids shall not be less than eighty-five per cent. of the par value thereof; *and provided further*, that said Trustees may use the said bonds directly in payment for any and all the expenses incurred, or to be incurred, in the erection and furnishing of said school building and improvements, if they deem it for the best interest of said school district so to do. For the purpose of selling said bonds it shall be the duty of said School Trustees to advertise the same for sale for at least four days in some daily newspaper published in San Francisco, and for two weeks in some newspaper published in Plumas County, inviting proposals for the purchase thereof; and the purchasers whose bid shall be accepted shall pay into the county treasury the amount bid by them, and shall be entitled to receive from said Trustees the bonds so purchased. Whenever there shall be four hundred dollars in said Interest a [and] Redemption Fund in excess of the amount required to pay the interest for that year, the School Trustees shall give notice, by one week's publication in some newspaper

Notice to
bidders

published in said Plumas County, that sealed proposals directed to them, for the surrender of the bonds of said school district, will be received by them until a certain time, to be designated in said notice. On the day and at the place named in said notice they shall open all proposals received for the surrender of said bonds, and accept the lowest bids offered until they shall have accepted an amount sufficient to exhaust the money in said fund not then required for the payment of said interest; *provided*, that no bid for more than par value shall be accepted, nor any bid unless the bonds to be surrendered accompany the bid. All bonds so redeemed shall be canceled by writing the word "Paid" across the face of the bond, with the date of the surrender of the same, which shall be signed by the Chairman of the Board of Trustees. Should no bids be received for par value or less, the money in said fund shall be used for the redemption of said bonds according to their number and the date of their issue, and the said School Trustees shall give the same notice as is required by law in the case of redemption of county warrants, and after thirty days from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented for redemption within three months from date of such notice, said Trustees shall apply the money for the redemption of bonds next in order, according to the number of their issue. In the year eighteen hundred and eighty-six, provided said bonds shall not have all been previously redeemed, there shall be levied and collected in said school district, in the manner hereinbefore provided, an amount of money sufficient to redeem and pay all the said bonds then remaining unpaid. Each of the officers named herein shall be responsible, on his official bond, for all acts performed by him under the provisions of this Act.

Surrender
of bonds.

SEC. 17. The District Assessor and District Tax Collector, for the services required of them under the provisions of this Act, shall each receive a salary of fifty dollars per annum, which shall be payable annually, on the first Monday in January of each year, out of the moneys received from county taxes in the Quincy School District Fund; and on the first Monday of January of each year, the Trustees of said Quincy School District shall audit the salaries then due the said Assessor and Collector, and order the same paid; and upon the filing of such order with him, the County Superintendent shall issue his warrant for the amount therein specified, in the same manner as he is required to issue other warrants; and upon presentation of such school warrant the County Treasurer shall pay the salaries of said Assessor and Collector out of the county portion of the moneys in the Quincy School District Fund.

Salaries of
Assessor and
Collector.

SEC. 18. No other officers, except the Assessor and Collector, charged with any duties under the provisions of this Act, shall be allowed to receive any compensation for any service.

SEC. 19. From the time of the issuance of any bonds, as

District
boundaries

hereinbefore authorized, until their payment and redemption, the boundaries of said Quincy School District, as now constituted, shall not be diminished. The moneys to be raised for the payment of principal and interest of the bonds provided for in this Act shall be raised exclusively by taxes, to be levied upon the property within the Quincy School District, as defined by the Board of Supervisors of said Plumas County.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAP. DLV.—*An Act to confer additional powers on the Treasurer of the City and County of San Francisco.*

[Approved April 3, 1876.]

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

Treasurer to
pay certain
warrants

SECTION 1. The Treasurer of the City and County of San Francisco is hereby authorized and directed, upon presentation, to pay to William Kelly, in gold coin, the amount of certain warrants issued by the Controller of said city and county, numbered and amounting respectively: number six thousand seven hundred and eighty-three, fifty dollars; number six thousand seven hundred and eighty-four, fifty dollars; number six thousand seven hundred and ninety-one, fifty dollars; and number six thousand eight hundred and three, twenty-five dollars; in all one hundred and seventy-five dollars, together with four years' interest thereon from the date of the issuance of said warrants respectively. He shall take the receipt of said William Kelly for the amount paid under the provisions of this Act, and cancel said warrants upon their surrender.

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

CHAP. DLVI.—*An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.*

[Approved April 3, 1876.]

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

Supervisors
to pay
claims

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to pay to A. G. Fitzpatrick, out of the General Fund of said city and county, the following sum of money, namely: the sum of eight thousand dollars, balance due him on contract for building an extension to the City and County Hospital.

SEC. 2. The Auditor is hereby authorized and empowered to audit, and the Treasurer to pay, the said sum of eight thousand dollars to the said A. G. Fitzgerald, in the same manner as they do other warrants drawn against the General Fund. Treasurer
to pay.

SEC. 3. This Act shall take effect immediately.

CHAP. DLVII.—*An Act making an appropriation for deficiencies in the support of the Napa State Asylum for the Insane, for the twenty-seventh fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-six.*

[Approved April 3, 1876.]

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

SECTION 1. The sum of forty-eight thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the purpose of paying outstanding liabilities, and cover deficiencies in the support of the Napa State Asylum for the Insane during the current fiscal year. And the Controller of State is hereby authorized to draw his warrant for said sum in favor of the Trustees of the Napa State Asylum for the Insane, and the Treasurer is directed to pay the same. Appropriation

SEC. 2. This Act shall take effect immediately.

CHAP. DLVIII.—*An Act to provide for the payment of the "funded" indebtedness of Mendocino County.*

[Approved April 3, 1876.]

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

SECTION 1. The "interest tax" provided for in section twelve of "An Act to provide for 'funding the indebtedness of the County of Mendocino,'" approved April nineteenth, eighteen hundred and sixty-two, shall continue to be levied by the Board of Supervisors of said county until all the funded indebtedness of said county, provided for in said Act, is paid. Interest
tax to be
continued

SEC. 2. The statute of limitations shall not run against the bonds issued under said Act.

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

CHAP. DLIX.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to transfer the sum of five thousand dollars from the General Fund to the Building Fund of said city and county.*

[Approved April 3, 1876.]

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

Supervisors
to transfer
funds

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund of said city and county, the sum of five thousand dollars for the purpose of making repairs and alterations to the public buildings of said city and county.

SEC. 2. The Auditor of said city and county is hereby empowered to audit, and the Treasurer to pay, out of the General Fund, all amounts which may be allowed and ordered paid by the Board of Supervisors under the provisions of this Act.

SEC. 3. This Act shall take effect immediately.

CHAP. DLX.—*An Act to facilitate the transaction of business in the office of the Auditor of the City and County of San Francisco.*

[Approved April 3, 1876]

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

Deputy
Auditor

SECTION 1. The Clerk of the Auditor of the City and County of San Francisco shall be known and designated as, and exercise the powers of, Deputy Auditor of said city and county, in case of the illness or absence of the Auditor, in the auditing and signing of lawful demands upon the treasury of said city and county, when the same have been approved and allowed by the proper officers and Board of officers in accordance with law, and in administering oaths or affirmations in all matters in connection with demands upon the treasury, or reports required by law to be filed in the office of the Auditor of said city and county.

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

CHAP. DLXI.—*An Act concerning the public records in the office of the County Recorder of San Bernardino County.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of San Bernardino County are hereby authorized to require the Recorder of said county to transcribe into suitable well-bound books, to be furnished to him by said county, any of the records belonging to his said office of County Recorder which said Supervisors may, by order, determine to be necessary in order to properly preserve said records. Preservation of records

SEC. 2. When so transcribed, any and all transcriptions of said records shall, for all purposes of evidence and constructive notice, be of equal force and effect as the original record.

SEC. 3. The County Recorder shall be allowed the sum of twenty-five cents per folio by the Board of Supervisors, payable out of the General Fund of said county, as compensation for making any transcription of such records, pursuant to the provisions of this Act. Fees of Recorder.

CHAP. DLXII.—*An Act to regulate the recording of mining locations in Calaveras County.*

[Approved April 3, 1876.]

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

SECTION 1. A copy of the notice of location of any mining claim hereafter located in the County of Calaveras shall be filed and recorded in the office of the County Recorder of said county within six days from the date of posting said notice of location, notwithstanding any rule, regulation, or by-law of any mining district in said county. Copy of notice to be filed.

SEC. 2. Whenever a notice of location is posted without being recorded, as provided in section one of this Act, such location shall not be considered notice to subsequent locations recording under this Act. Posting insufficient.

CHAP. DLXIII.—*An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.*

[Approved April 3, 1876.]

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

Unexpended
moneys

SECTION 1. If at the beginning of any month any money remains unexpended in any of the funds set apart for maintaining the municipal government of the City and County of San Francisco, and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the Board of Supervisors in any succeeding month; *provided*, that said Board of Supervisors shall not hereafter make any contract for any purpose, binding said city for a longer period than two years.

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

CHAP. DLXIV.—*An Act to pay the claim of E. O. F. Hastings.*

[Approved April 3, 1876.]

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

Appropriation.

SECTION 1. The following moneys are hereby appropriated out of the General Fund, of any moneys in the State treasury not otherwise appropriated, for the object herein named: To E. O. F. Hastings, for the deficiency for pay due him as State Land Agent, at Washington, in procuring the listing of lands to the State from the United States, thirteen hundred and forty-four and ninety-eight one-hundredths dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXV.—*An Act to change the name of a certain town in the County of Los Angeles.*

[Approved April 3, 1876.]

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

Name
changed.

SECTION 1. The name of the Town of "Lexington," in the County of Los Angeles, is hereby changed to "El Monte."

SEC. 2. This Act shall take effect immediately.

CHAP. DLXVI.—*An Act imposing certain duties upon the Governor of the State.*

[Approved April 3, 1876.]

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

SECTION 1. The Governor shall offer a standing reward ^{Reward for stage robbers.} of three hundred dollars (\$300) for the arrest of each person engaged in the robbery of, or in an attempt to rob any person or persons upon, or having in charge, in whole or in part, any stage coach, wagon, railroad train, or other conveyance engaged at the time in carrying passengers, or any private conveyance within this State; the reward to be paid to the person or persons making the arrest, immediately upon the conviction of the person or persons so arrested; but no reward shall be paid except after such conviction.

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

CHAP. DLXVII.—*An Act to repeal an Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two.*

[Approved April 3, 1876.]

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

SECTION 1. An Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City, approved March thirtieth, eighteen hundred and seventy-two, is hereby repealed; ^{Act repealed} *provided, however,* that nothing in this Act shall be so construed as to take away or impair the right to maintain said bridge under the general road law of Napa County.

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

CHAP. DLXVIII.—*An Act concerning the Justices' Courts of the City and County of San Francisco, and the service of summons issued therefrom.*

[Approved April 3, 1876.]

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

SECTION 1. The summons issued from the Justices' Courts ^{Summons.} may be served and returned as provided in Title Five, Part Second of the Code of Civil Procedure.

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

CHAP. DLXIX.—*An Act to authorize the Prosecuting Attorney of the Police Judge's Court of the City and County of San Francisco to appoint a clerk.*

[Approved April 3, 1876.]

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

Prosecuting
Attorney to
appoint
clerk

SECTION 1. The Prosecuting Attorney for the Police Judge's Court of the City and County of San Francisco is hereby authorized to appoint a clerk. Such clerk shall perform such duties as may be required of him by said Prosecuting Attorney, and shall receive for his services as such clerk, a salary of one hundred and twenty-five dollars per month, payable in the same manner and out of the same fund as the salary of said Prosecuting Attorney is paid.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXX.—*An Act to create a Board of Public Works in and for the City of Los Angeles.*

[Approved April 3, 1876.]

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

Board of
Public
Works

SECTION 1. A Board of Public Works in and for the City of Los Angeles is hereby created and established; the said Board to consist of three members, who shall be chosen as hereinafter specified, and whose powers and duties shall be:

Powers and
duties of

First—To have complete and exclusive control over and management of the construction, repairs, and maintenance of all zanjias, dams, bridges, streets, sewers, alleys, gas and gas-works, water and water-works, public parks, and buildings, and all other public works, and of everything pertaining thereto.

Second—To have the exclusive power to contract for the construction and repairs of all public works embraced within the provisions of this Act, and complete control over the expenditure of all moneys expended for the purposes in this Act contemplated.

Third—To have full and complete control over all city officers (the City Attorney alone excepted), so far as is necessary to carry out the object of this Act.

Fourth—To appoint a City Engineer, who shall be ex officio Street Superintendent.

Fifth—To appoint a Secretary for the Board.

Sixth—In the event of a vacancy occurring in the Board, to fill such vacancy or vacancies by appointment or election; the appointee to hold office until the next succeeding election, or until his successor has been elected and qualified as hereinafter provided.

SEC. 2. All power and control over and management by the Mayor and Council of each, every, and all the subjects enumerated in this Act is hereby annulled, vacated, and set aside, and the same vested exclusively in the Board of Public Works hereby created and established.

Transfer of powers

SEC. 3. The term of office of the members of the Board, except as hereinafter provided, shall be three years, or until their successors are elected and duly qualified, and until the next municipal election, the Board shall consist of three persons, to be appointed by the Governor on or before the first day of May, A. D. eighteen hundred and seventy-six.

Terms of office

Governor to appoint.

SEC. 4. Each member of the Board shall, before entering upon the duties of his office, execute a bond for the faithful performance of his official duties; said bond to be in the sum of fifty thousand dollars (\$50,000), and to be approved by the District Judge of the Seventeenth Judicial District.

Official bonds

SEC. 5. Immediately upon the passage of this Act, and the qualification of the members appointed by the Governor, as herein provided, the said members shall meet and draw lots for terms of one, two, and three years. The member holding the shortest term shall be Chairman of the Board. At the first annual election for municipal officers occurring after the passage of this Act, there shall be elected one member of the Board, to fill the place of the member who holds for the shortest term; *it being provided*, that the member holding for the short term shall hold only until the said next municipal election, or until the election and qualification of his successor. At each annual municipal election subsequent to that of eighteen hundred and seventy-six, there shall be elected one member of the Board, to hold office for three years.

Long and short terms

SEC. 6. Each member of the Board shall receive, in full compensation for all official services for each and every day spent in official duty, the same compensation as is allowed the Board of Supervisors for Los Angeles County.

Salaries

SEC. 7. The said Board shall keep, or cause to be kept, true and correct books of record and accounts, in which shall be entered all official acts of the Board, and said books shall be open to public inspection during ordinary office hours, when not in actual use.

Records

SEC. 8. All moneys expended under the provisions of this Act shall be paid by the City Treasurer, upon warrants of the Board, properly drawn and audited, and signed by the President and Secretary.

Moneys.

SEC. 9. No member of the Board or the City Engineer shall be interested in any contract let under the provisions of this Act. A violation of the provisions of this section shall be deemed a felony.

Felony

SEC. 10. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect immediately.

CHAP. DLXXII.—*An Act supplemental to an Act concerning public roads in Lassen County, passed March twenty-ninth, eighteen hundred seventy-six.*

[Approved April 3, 1876.]

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

Collection
of taxes

SECTION 1. All poll and property taxes provided for in the Act to which this Act is supplemental shall be collected at the same time and in the same manner as other poll and property taxes are collected.

SEC. 2 This Act shall take effect immediately.

CHAP. DLXXIII.—*An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.*

[Approved April 3, 1876.]

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

Appropria-
tion to cele-
brate fourth
of July

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund of said city and county, a sum not exceeding ten thousand dollars, to be expended by the said Board of Supervisors for the celebration of the approaching centennial anniversary of American independence in said city and county.

Auditor to
draw
warrant

SEC. 2 The Auditor of said city and county is hereby authorized and directed to audit and allow, and the Treasurer thereof to pay, any such sums of money appropriated by the said Board of Supervisors under the provisions of this Act, not exceeding the sum of fifteen thousand dollars.

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

CHAP. DLXXIV.—*An Act to confer additional power on the Board of Supervisors of the City and County of San Francisco.*

[Approved April 3, 1876.]

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

Appropria-
tion for pub-
lic parks

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed

to appropriate, from the General Fund of said city and county, the sum of five thousand dollars for the improvement of Hamilton Square of said city and county; also, to allow and order paid, out of the General Fund, the sum of fifteen thousand dollars for the maintenance of the Golden Gate Park, said sum to be expended in such manner as the Board of Park Commissioners may direct.

SEC. 2. The Auditor of said city and county is hereby directed to audit, and the Treasurer of said city and county is hereby directed to pay out of the General Fund of said city and county, upon the order of the Board of Supervisors of said city and county, in accordance with the provisions of section one of this Act. Auditor to draw warrants

SEC. 3. This Act shall take effect immediately.

CHAP. DLXXV—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate and order to be paid, out of the General Fund of said city and county, the following sums, for the purposes hereinafter named: Ten thousand dollars for grading and otherwise improving Jefferson Square, in said city and county; ten thousand dollars (\$10,000) for grading, fencing, and otherwise improving Alta Plaza, in said city and county; five thousand dollars (\$5,000) for fencing and otherwise improving Pioneer Park, on Telegraph Hill, in said city and county; *provided*, that the absolute title to said park shall be first granted to the said city and county by deed of gift; *and provided further*, that no money be appropriated or paid out of any fund for the purchase of said Pioneer Park. Supervisors to improve certain public squares

SEC. 2. The Auditor of said city and county is directed to audit, and the Treasurer of said city and county to pay, upon the order of the said Board, the several sums hereinbefore mentioned, for the purposes specified. Auditor to draw warrant

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

CHAP. DLXXVI.—*An Act to provide for the payment of school moneys into the city treasury of the City of Sacramento.*

[Approved April 3, 1876.]

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

Apportion-
ment of
school
moneys to
city schools

SECTION 1. It is hereby made the duty of the County Superintendent of Public Schools of Sacramento County, as soon as he shall make any apportionments of the school funds to the City of Sacramento, to immediately notify the Superintendent of Public Schools of said City of Sacramento of the amount so apportioned, and it shall then be the duty of said City Superintendent to draw his warrant upon the County Superintendent for such amounts, and thereupon the County Superintendent shall draw his warrant upon the County Treasurer, in favor of said city, for any such amount; and thereupon it shall be the duty of the County Treasurer to pay into the treasury of said Sacramento City all such sums of money. And as soon as any sum or sums of money are paid into said city treasury it shall be the duty of said Treasurer to notify the said City Superintendent of the amount so paid in.

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

CHAP. DLXXVII.—[See volume of *Amendments to the Codes*]

CHAP. DLXXVIII.—[See volume of *Amendments to the Codes.*]

CHAP. DLXXIX.—*An Act concerning the office of Collector of Licenses for the City and County of San Francisco.*

[Approved April 3, 1876.]

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

Salaries of
License Col-
lector and
deputies

SECTION 1. The Collector of Licenses, the Deputy Collector of Licenses, and the Assistant Collectors of Licenses of the City and County of San Francisco shall, from and after the first day of the month next succeeding the passage of this Act, receive as salaries, payable out of the General Fund, the following sums, namely: Collector of Licenses, the sum of two hundred dollars per month; the Deputy Collector of Licenses, one hundred and fifty dollars per month; and the

Assistant Deputy Collector, one hundred and twenty-five dollars each, payable in the same manner as the salaries of the other city and county officers are paid.

SEC. 2. From and after the first day of the month next succeeding the passage of this Act there shall be as many Assistant Collectors of Licenses for the City and County of San Francisco as the Collector of Licenses, with the advice and consent of the Mayor, Auditor, and Treasurer, may deem necessary, not exceeding twelve in number, who, together with the Deputy Collector of Licenses, shall hold their offices by the appointment and during the pleasure of the Collector of Licenses of said city and county.

Number of deputies.

SEC. 3. Not more than thirty days prior to the first day in July, eighteen hundred and seventy-seven, and biennially thereafter, not more than thirty days prior to the first Monday in July of such biennial year, the Mayor, the Auditor, and the Treasurer of the said city and county shall appoint, subject to the confirmation by the Board of Supervisors of said city and county, a suitable person as Collector of Licenses for the City and County of San Francisco, who shall hold office for the term of two years from, on, and after the first Monday in July succeeding his appointment and confirmation, and until his successor shall, in the same manner, be appointed and confirmed, and shall have qualified.

Appointment of License Collector

SEC. 4. In case of a vacancy occurring, by death or otherwise, in the office of the Collector of Licenses of said city and county, holding his office under the provisions of the last preceding section, the same shall be filled for the remainder of the unexpired term, by appointment of the Mayor, Treasurer, and Auditor, and confirmation of the Board of Supervisors of said city and county; and in case of the inability of said Collector of Licenses to act, his place shall, in the same manner, be temporarily filled until such disability is removed.

Vacancy, how filled.

SEC. 5. All Acts and parts of Acts, so far as they are in conflict with this Act, are hereby repealed.

SEC. 6. This Act shall take effect and be in force immediately.

CHAP. DLXXX—*An Act to provide for the preservation and improvement of Golden Gate Park, in the City and County of San Francisco.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have the power to levy and collect, in the mode prescribed by law for the assessment and collection of taxes, by tax each year, upon all property in said city and county, the sum of one and one-half cents upon each one hundred dollars' valuation of taxable property therein, for the purpose of preserving and improving Golden

Tax for improvement of Golden Gate Park

Gate Park, in said city and county. Said sum of money so raised shall be so disbursed by the Park Commissioners for the purposes in like manner as the moneys heretofore disbursed by said Commissioners.

Superintendent salary of

Laborers

SEC. 2. The Park Commissioners shall employ one general Superintendent, who shall perform the duties of overseer and managing gardener, and shall receive a salary not to exceed the sum of two hundred dollars per month for his services. The City and County Surveyor shall be ex officio the Engineer for said park, and perform such engineering work as the Commissioners may require of him. Said Commissioners, in addition to said general Superintendent, may from time to time employ at wages such laborers and other workmen as may be necessary to properly carry on the duties herein provided for, and no others, except as provided in this Act. They shall in no year incur any greater liability or disburse moneys beyond the amount raised by the tax provided for in section one for such year. No employes shall be kept by said Commissioners except as herein prescribed.

SEC. 3. This Act shall take effect immediately.

CHAP. DLXXXI.—*An Act to facilitate the construction of a canal for the improvement of Oakland Harbor.*

[Approved April 3, 1876.]

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

Tax for improvement of harbor

SECTION 1. The Board of Supervisors of the County of Alameda is hereby authorized and directed, during the present year, to levy, and cause to be collected, in the same manner as other county taxes, a special tax upon the property of said county, sufficient to raise the sum of twenty-five thousand dollars, which shall be set apart as a special fund, to be known as the "Canal Fund," and if, from any cause, the said special tax shall not yield the full sum of twenty-five thousand dollars, the Treasurer of said county shall transfer from the General Fund to the Canal Fund a sufficient sum to make up the deficiency.

Payment for condemned lands

SEC. 2. The said sum, or so much thereof as may be necessary, shall be applied to the payment of any damages that may be finally awarded by judicial decree to the claimants of any lands that may be condemned and taken by the United States for the purposes of a canal between the Bay of San Leandro and the Estuary of San Antonio, for the improvement of the Oakland Harbor.

Same

SEC. 3. Upon the certificate of the United States District Attorney for California, that on proceedings for condemnation damages have been awarded to the claimants of said lands, and that the decree concerning the same has become final, the Auditor of said county shall draw his warrant upon

the said Canal Fund in favor of the Clerk of the Court in which such proceedings for condemnation were had, for the damages so awarded, and the Treasurer of said county shall pay the sum, not to exceed twenty-five thousand dollars, in gold coin, *provided*, that if the damages be made payable in the lawful currency of the United States, the Treasurer shall, before paying the same, exchange the gold coin in said fund for legal tender notes, at the current rates of premium and discount, and the Clerk of said Court shall pay the same to the parties respectively entitled thereto under the decree of condemnation.

SEC. 4. If, after paying the said damages, there shall remain any unexpended balance in said Canal Fund, the Treasurer shall transfer the same to the General Fund. Surplus funds

SEC. 5. This Act shall take effect immediately.

CHAP. DLXXXII—*An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-four, and entitled "An Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco."*

[Approved April 3, 1876.]

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

SECTION 1. The Treasurer of the City and County of San Francisco is hereby directed to ascertain the amount of outstanding and unpaid warrants drawn by the Board of City Hall Commissioners in accordance with the provisions of the Act of the Legislature of this State, approved April fourth, eighteen hundred and seventy, entitled "An Act to provide for the erection of a City Hall in the City and County of San Francisco," and which were presented for payment, and indorsed by the said Treasurer, in accordance with section thirteen of said Act, on or before the thirtieth day of April, eighteen hundred and seventy-four. The said Treasurer shall then compute the total amount of unpaid interest on said warrants up to the day fixed for the filing of bids or proposals, as provided for in section three of this Act. Unpaid warrants

SEC. 2. The Mayor, Auditor, and Treasurer of the City and County of San Francisco, comprising the Board of Commissioners of the funded debt of said city and county, are hereby authorized and directed to sell the City Hall construction bonds, authorized to be issued under the provisions of the Act to which this Act is supplementary. Commissioners to sell City Hall bonds

SEC. 3. Before making such sale the Treasurer of said city and county shall invite sealed bids or proposals for the purchase of the bonds authorized by this Act to be sold, by advertising for bids, for at least thirty days, in three daily newspapers printed and published in said city and county. Notice of sale, proposals

Such advertisement shall specify the sum to be raised by said sale, and the day on or before which said proposals must be filed with the said Treasurer, which day shall not be less than thirty days from the first publication of said advertisement. Proposals may be filed for any portion of said bonds not less than one thousand dollars.

Opening
of bids,
awards

SEC. 4. The said Commissioners, immediately after the time for filing said proposals has expired, must publicly open all the proposals filed, and must award the sale of said bonds to the highest responsible bidder or bidders; *provided*, that the said Commissioners may reject any or all of said proposals, or any portion thereof, if, in the opinion of the said Commissioners, the sum bid for said bonds are not equal to their value. In the event of such rejection, then the said Treasurer must immediately readvertise for proposals for the purchase of said bonds, and thereupon the same proceedings provided for in case of the first advertisement must be had.

Bonds to
issue

SEC. 5. Upon the acceptance of any of the proposals for the purchase of said bonds, the said bonds shall be issued to the purchaser upon the payment by him, within five days after the award of the sale to him, of the amount of his bid to the said Treasurer.

Treasurer to
pay warrants

SEC. 6. As soon as any funds arising from the sale of said bonds are in the hands of the said Treasurer he shall publish a notice thereof for five days, in three daily newspapers printed and published in said city and county, and requiring the holders of said warrants to present them for payment. All said warrants shall cease to bear interest after the expiration of said five days. The said Treasurer shall pay said warrants, principal and interest, in the order of their presentation. All said warrants, as soon as paid by said Treasurer, shall be canceled by him, and delivered by him to the Auditor of said city and county, taking his receipt therefor. It shall be the duty of the Auditor to file and safely keep all said canceled warrants in his office.

Surplus pro-
ceeds, how
applied

SEC. 7. The balance of the proceeds of the sale of said bonds shall be paid into the county treasury of said city and county, and shall be applied to the construction of the said New City Hall in accordance with any law in force for said construction when this Act takes effect, or which may become a law after this Act takes effect. Said proceeds shall be kept in a separate fund to be known as "The City Hall Construction Bond Fund," and shall be subject to the order of the Commissioners or officers charged with the construction of said New City Hall, under any law in force when this Act takes effect, or which may be passed thereafter, subject to such limitations and restrictions as may be contained in such Acts. Such funds shall be immediately applicable to the work of construction under such Acts.

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

CHAP. DLXXXIII.—*An Act providing for the removal of the remains of deceased persons interred in California Street, west of Lyon Street, in the City and County of San Francisco, and for the grading of California Street, between Lyon Street and First Avenue, in said city and county.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to cause the remains of deceased persons interred in California Street, west of Lyon Street, in said city and county, to be disinterred therefrom, and removed to and reinterred in the city cemetery, and to remove from the graves in said street all distinctive marks, head-boards, stones, tablets, monuments, fences, or other insignia or ornaments, and reërect and place the same in and around the respective graves where the remains are reinterred, under such direction and in such a manner as to said Board shall seem proper, and to that end and for that purpose said Board of Supervisors is hereby authorized to expend a sum not to exceed three thousand dollars.

Supervisors to have remains removed.

SEC. 2. Upon the completion of the work, and the removal of the remains of deceased persons, as provided for in the preceding section, it shall be and is hereby made the duty of the Board of Supervisors of said city and county, to declare its intention to grade said California Street, from Lyon Street to First Avenue, and thereafter to order said work to be done, and to award a contract to perform said work to the lowest responsible bidder or bidders therefor, and all the proceedings in relation to the grading of said street, between the points named, and to making and collecting the assessment for the cost of said work, shall be had under the provisions of an Act entitled "An Act repealing Article Fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article Four," approved April first, eighteen hundred and seventy-two, excepting that jurisdiction is hereby conferred upon said Board of Supervisors to take and perform all of the necessary steps and proceedings to have said street graded, without any petition from and notwithstanding the protest of any or all of the property owners interested or affected.

California Street to be graded

SEC. 3. The Auditor of said city and county is hereby authorized to audit, and the Treasurer to pay out of the General Fund, all amounts allowed and ordered paid by said Board of Supervisors, not exceeding the sum of three thousand dollars, under the provisions of section one of this Act.

Auditor to draw warrant

SEC. 4. This Act shall take effect immediately.

CHAP. DLXXXIV.—*An Act to open and establish a public street in the City and County of San Francisco, to be called "Sixth Street;" to take private lands therefor; and to grade, macadamize, and improve a portion of Sixth Street, and to construct a bridge thereon across Channel Street.*

[Approved April 3, 1876.]

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

Extension of
Sixth Street,
petitions for

SECTION 1. Whenever the owners of three-fifths in value, on the assessment roll preceding the passage of this Act, of the real estate situated and fronting on Sixth Street, from the southeasterly line of Market Street to the westerly line of Tennessee Street, in the City and County of San Francisco, as said owners are or shall be named in the last preceding annual assessment roll for State, city, and county taxes, provided that said parties still remain owners, shall petition the Board of Supervisors of said city and county, in writing, for the extension of Sixth Street, from its intersection with Tennessee Street, to Illinois Street; and for the taking of private property therefor, as herein provided, and for the grading, macadamizing, and improving a portion of Sixth Street, and the construction of a bridge thereon across Channel Street, according to the provisions of this Act, the said Board of Supervisors shall, within thirty days thereafter, authorize and empower the Board of Commissioners, hereinafter appointed, to open and establish, or cause to be opened and established, an extension of Sixth Street, as herein provided for; and to take private lands therefor; and to grade, macadamize, and improve a portion of said Sixth Street; and to construct a draw-bridge thereon across Channel Street, under the provisions of this Act.

Mayor,
Auditor, and
Surveyor to
be Commis-
sioners

SEC. 2. The Mayor of the City and County of San Francisco, the Auditor of said city and county, and the City and County Surveyor thereof, and their successors in office, are hereby constituted a Board of Sixth Street Commissioners, and as such shall possess all the powers and perform all the duties prescribed by this Act; and who shall, within thirty days after the authorization of said work and improvements, and the extension of said Sixth Street, by said Board of Supervisors, proceed to organize by the election of a President and Secretary. Before entering upon the discharge of their duties as such Commissioners, each of them shall take and subscribe an oath before the County Judge of said city and county, that he will, to the best of his ability and without fear or favor, perform all the duties required of him by this Act; which oath shall be filed by the Clerk of said Court therein. Said Commissioners shall each receive a compensation of five hundred dollars for their services under this Act. Said Board is hereby authorized to employ such clerks, attorneys, surveyors, architects, draughtsmen, laborers, searchers of records, and other assistants as may be necessary; and to hire suitable offices for the transaction of its

Board to
employ as-
sistants, etc

business, at a rental not to exceed fifty dollars per month. Said Board may examine parties and witnesses in all proceedings before them hereunder upon oath; and each Commissioner shall be and is hereby authorized to administer oaths for that purpose. Witnesses may be compelled to attend before the Board, and testify, by subpoena issued from the said County Court upon the application of either of said Commissioners, or of any party interested. Two of said Commissioners shall constitute a quorum for the transaction of all business. Said Board shall adopt and procure an official seal, which may be used to verify their official acts.

SEC. 3. Said Commissioners, when organized, are hereby empowered and authorized to take possession of said Sixth Street, from Townsend Street to Tennessee Street, and cause the same to be graded, macadamized, and improved, from said Townsend Street to said Tennessee Street, wherever necessary; and cause to be built and constructed a draw-bridge across Channel Street, at its intersection with said Sixth Street, which bridge shall be of sufficient width to allow carriages and vehicles of every description to meet and pass with safety thereon. The said grading and improvements of said Sixth Street, and the said bridge, shall be constructed of good material and in a good and workmanlike manner, and of sufficient endurance and strength to admit the passage thereon of heavily-freighted teams, trucks, and wagons; and said bridge shall have a draw or opening, in the centre of the channel of said Channel Street, of sufficient width (not less than thirty-five (35) feet in width), as will admit the passage of all ships or boats navigating the waters thereof; and said Commissioners are also hereby empowered, authorized, and directed to take possession of and open, grade, and macadamize, under the provisions of this Act, the extension of said Sixth Street, from the westerly line of Tennessee Street to the westerly line of Illinois Street, as said Sixth Street is hereby extended, created, laid out, and dedicated in section four of this Act. Said grading, macadamizing, and improvement of the whole of said Sixth Street, including the building of said bridge, shall be done and made upon and according to the grade thereof, as the same has been or may be established by the Board of Supervisors of said city and county, and the said Board of Supervisors is hereby authorized and directed to establish the grade of said Sixth Street, as extended or otherwise, and to adjust the grades of cross-streets intersecting therewith, and directed to pass all necessary orders and ordinances for that purpose.

SEC. 4. The following described piece of land, situated in the City and County of San Francisco, to wit: Beginning at a point where the center line of Sixth Street intersects the westerly line of Tennessee Street; thence southeasterly (but in a direct line or course, agreeing with the present direction or course of said Sixth Street, as it extends from Market Street to Tennessee Street) along the said center line of Sixth Street produced and created, to the westerly line of Illinois Street, and intersecting therewith said Sixth Street, so as to be hereby opened, to be laid out to a width of forty-one feet

Powers and
duties of
Commis-
sioners

Description
of line of
street

three inches on each side of said center line of Sixth Street produced and created, from the westerly line of Tennessee Street to the westerly line of Illinois Street, and of the width aforesaid on each side of said center line, is hereby taken and forever dedicated as an open public street, and when paid for, as hereinafter provided, or when the same or any portion thereof is donated for the purposes of this Act, the title thereto shall vest in said city and county for such purpose forever, as the title of other public streets in said city and county is now vested, and the said street shall hereafter be known and designated as Sixth Street.

Building of
bridge,
grading,
macadamiz-
ing, etc.,
proposals for

SEC. 5. Before proceeding to, or with the construction of said bridge, or the improvement of said street or any part thereof, or the taking of said private lands or any portion thereof, or the extension of said Sixth Street or any part thereof, or the performance of any of the work or improvements herein provided for, the said Board of Commissioners shall cause to be prepared, and shall adopt plans and specifications for the construction of said bridge, the improvement and grading of said street, and the extension thereof, as herein provided, and shall deposit a copy thereof with the Clerk of said County Court, who shall file the same in his office for public inspection, and the Board shall keep the original thereof in the office of said Board daily, during ordinary business hours, for the inspection of all parties interested; and said Board shall cause to be published, for at least thirty days, in two daily newspapers printed and published in the City and County of San Francisco, an advertisement, inviting sealed proposals for the grading, macadamizing, and improving the said Sixth Street, for the construction of said bridge, and for the opening, grading, macadamizing, and the improvement of the said extension of said Sixth Street. Said proposals shall be addressed to the President of said Board, and shall contain a bid for the grading, macadamizing, and improving said Sixth Street, the building of said bridge, and the opening, grading, and macadamizing the extension of said Sixth Street, or either thereof, according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties in case of the acceptance of the bid.

Awarding of
contract

SEC. 6. Within one week after the expiration of the time specified in said advertisement for the presentation of said proposals, the said Board of Commissioners shall meet and in public open all proposals that may have been received for the construction of said bridge, the grading, macadamizing, and improvement of said Sixth Street, and the opening, grading, and macadamizing the extension of said Sixth Street, or either thereof separately, according to said plans and specifications, and shall award the contract for the construction of said bridge, the grading, and macadamizing, and improvement of said Sixth Street, and the opening, grading, and macadamizing the extension of said Sixth Street, or either of the three subdivisions of said work separately, to the lowest responsible bidder or bidders; *provided, always,*

that said Board shall have the power to reject any and all bids received; *and provided further*, that said bridge shall not cost to exceed the sum of five thousand dollars; *and provided*, that no party or parties to whom the contract for said work, or any part thereof, may have been awarded, shall have the right to sub-contract the said work, or any part thereof, to any other person or persons, under penalty of a forfeiture of his or their bond.

SEC. 7. The person or persons to whom the contract for the performance of said work, or any part thereof, may be awarded, shall file a good and sufficient bond, payable to the City and County of San Francisco, with two or more sufficient sureties, in double the amount of his or their respective bids, to be approved by said Board of Commissioners, and conditioned to the effect that the obligers will well and truly, and in a good and workmanlike manner, cause the work so awarded to him or them, as the case may be, to be done and completed in accordance with the said plans and specifications within twelve months after the said bid shall have been accepted, or within such further time as said Board, for good cause shown, may grant; *provided further*, that no more than seventy-five per cent. of the amount or amounts agreed upon to be paid for said work, or any portion thereof, shall be paid as the work progresses, and the remainder shall be paid as may be agreed upon by the terms of the contract.

Contractors' bond

SEC. 8. The amount of the contract price or prices for the performance of said work, the taking of the private property and lands for the extension of said Sixth Street, as herein provided for, the salaries of the Commissioners, as herein fixed, the pay of their office rent, clerks, counsel, maps, draughtsmen, architects, surveyors, searchers of records, laborers, and all other expenses whatever incidental to this Act, and the carrying on and completion of said work herein provided for, together with the interest or [on] receipts and warrants to be issued, as hereinafter provided, are hereby made, and shall be deemed and held to be the cost of the construction thereof, and the aggregate amount of such cost shall be assessed on the land mentioned and described in section nine of this Act, in proportion to the benefits accruing to said lots, subdivisions, and pieces of land respectively, by reason of this Act, and of the doing of said work, and the extension of said street; and the decision and finding of said Board as to the amount of the benefits accruing to said lots, subdivisions, and pieces of land respectively, for the reasons aforesaid, shall be prima facie evidence of such benefits thereto; but in no case shall the amount of any assessment upon any of said lots, subdivisions, or pieces of said land exceed the amount of the benefit found and adjudged by said Board to have accrued thereto.

Expenses and costs, how assessed

SEC. 9. The land referred to in the preceding section of this Act, as those upon which the cost of said work and improvements, including the building of said bridge, and the extending of Sixth Street, and the taking of private property therefor (as said cost is herein defined), shall be assessed, and all the lots, subdivisions, and pieces of land adjoining to and

same.

fronting on both sides of Sixth Street, from and including the southeasterly line of Market Street to and including the westerly line of Tennessee Street, as said lots, subdivisions, and pieces of land are now laid down and delineated on the book, maps, and plans of the Assessor of said city and county, for description only, and also all the land adjoining to and fronting on both sides of said Sixth Street as produced, created, and extended from the easterly line of Tennessee Street to the westerly line of Illinois Street, to the depth or width of one hundred feet on each side of said street produced and extended; *provided, nevertheless*, that all public property belonging to or possessed by the city, State, or Federal Governments, which may be included in any of the above described land, shall not be assessed hereunder, *and provided further*, that if at any time, before the report of said Commissioners is made to the said County Court, as herein provided, the said governments, or either thereof, shall relinquish, or convey, or in any manner transfer its or their title to any portion of said land to any person or persons, said land so transferred to private ownership shall be assessed in the manner as other land now private property and liable to assessment under this Act.

Owners to
file maps,
deeds, etc

SEC. 10. Said Commissioners shall, immediately after qualifying as herein provided, by advertisement to be published daily for twenty days in three daily newspapers printed and published in said city and county, notify all persons whom it may concern, that said Board has located its office at a place to be named therein, and that all persons owning land fronting on Sixth Street, from and including the southeasterly line of Market Street, to and including the westerly line of Tennessee Street, and which is to be assessed for the doing of said work and the extending of said street, and the taking of private land therefor, and for the cost thereof, are required, within thirty days from the first publication of said notice, to file with said Board maps or plans of their respective subdivisions, lots, and pieces of land, and copies of their deed, lease, mortgages, or other instruments under which they respectively claim, or a description of their property, with a specification of their interest therein, and a reference to the place of record of the instrument under which they so claim.

Same.

SEC. 11. And said Board of Commissioners shall also, immediately after qualifying as aforesaid, by advertisement to be separately published in three daily newspapers printed and published in said city and county, notify all owners and claimants of property and land situated in Potrero blocks number three hundred and eighty-six, number three hundred and eighty-seven, and number four hundred and fourteen, which has been hereby dedicated and authorized to be taken and opened as a public street, to be called and known as Sixth Street, that they and each of them are required, within thirty days from the first publication of said notice, to file with said Board maps or plans of their respective subdivisions, lots, and pieces of land within said blocks, and copies of their deeds, lease, mortgage, or other instruments

under which they respectively claim, or a description of their property, with a specification of their interest therein, and a reference to the place of record of the instruments under which they so claim, together with a statement in writing of the estimated value of the lands and property to be taken from them, or either of them, respectively, and an estimate of the damages they, or either of them respectively will sustain by reason of the taking of said land for the opening and extension of said street.

SEC. 12. At the expiration of the thirty days mentioned in the two preceding sections of this Act, if any person or persons shall have failed to file such maps, plans, instruments, and descriptions, as required by section ten of this Act, then the said Board of Commissioners shall procure a copy of all the remaining unclaimed lots, subdivisions, and pieces of land, which shall be affected by this Act, and which front on Sixth Street between said Market Street and Tennessee Street, from the books and plans of the Assessor for said city and county as the same now appear of record, and shall adopt the same lots, pieces, and subdivisions as are found on the said books and plans of said Assessor, and shall set down such lots, pieces, and subdivisions on the map and assessment and report hereinafter provided for, as belonging to unknown owners, and shall assess the same for benefit in the manner provided by this Act. In cases where the owner is unknown, and in case the person or persons owning or claiming the lands including in the blocks of land mentioned in section eleven of this Act, or of either or any portion thereof, shall have failed to file such maps or plans of their or either of their respective lots, pieces, or subdivisions, within said blocks, with copies of their deeds, leases, or mortgages, or any or other instruments under which they respectively claim, or a description of their property or interest therein, with a reference to the place of record of such instrument or instruments, with a statement of the estimated value of the property and land to be taken for said extension and opening of said street, and an estimate of the damages to be sustained by them respectively, as provided for in said section eleven, then the said Board of Commissioners shall employ a competent searcher of records, who shall, as soon as possible thereafter, make and furnish said Board with a complete and correct abstract of all the land included within said Potrero block, mentioned in section eleven, so as to show the true condition of the title thereto, and the name or names of the owners thereof, and the quantity or quantities so owned. And in case it be ascertained in any manner by said Board, that the owner or owners of any portion of the property to be assessed hereunder, or taken for the opening and extension of said street, is laboring under disability, such as infancy, coverture, insanity, imprisonment, or any other disability, or is absent from the State, it shall be their duty to report the same to the County Judge of said city and county, who shall thereupon appoint a guardian or attorney, as the case may in his judgment require, to appear for and represent such person in all the proceedings under

When owners fail to file maps, etc., Board to employ searcher of records

When disability of owners and claimants, Court to appoint guardian

this Act affecting his, or her, or their interest, and the expense and charges of such guardian or attorney shall be fixed and allowed by said County Judge, and be included in the cost of said work, and paid for out of the fund and in the manner hereinafter provided, and the assessment herein provided for upon the property of, and the amount of the value and damages awarded to, the person or persons thus represented by guardian or attorney, shall be as binding and effective as if no such disability existed, and such assessment or assessments shall be binding and effective, whether the same be made against or in the name of unknown owners or not.

Board to
prepare gen-
eral map

SEC. 13. At the expiration of the time limited for the filing of said maps, deeds, descriptions, claims, etc., as provided in sections ten and eleven of this Act, the said Board shall adopt a general map of said Sixth Street, from Market Street to Illinois Street, and shall proceed to relatively delineate, set down, and specify thereon each lot, subdivision, or piece of land liable to be assessed for the said work, and land to be taken for the extension of said street, together with the lands to be taken therefor, and all lands affected by this Act; and in making said map, and delineating and placing thereon said lots, pieces, and subdivisions, said Board shall severally and relatively describe the same thereon by following, where possible, the description shown in the maps, descriptions, deeds, abstracts, and other instruments filed with said Board, or obtained by it in pursuance of the provisions hereof; and shall set down on said map, against or upon each lot, piece, or subdivision, in writing, the name or names of the owner or owners, occupant or occupants, and claimant or claimants thereof, and of all persons interested therein, if known, and the particulars of such interest, so far as the same can be ascertained.

Commis-
sioners to
determine
and report
as to dam-
ages.

SEC. 14. Said Board of Commissioners shall thereupon proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of lands and buildings included in the land taken for the opening and establishing of said Sixth Street, from Tennessee Street to Illinois Street, as herein provided, and the damage done to the property along the line of said street so created. In making said report said Board shall severally specify and describe each lot and subdivision or piece of property taken or injured by the opening and establishing of said street, so far as the owners of the same have furnished an accurate description thereof, or the same has been ascertained by said Board, and shall set down against each lot, subdivision, or piece of property, the names of the owners, occupants, and claimants thereof, or of persons interested therein, or lessees, incumbrancers, or otherwise, and the particulars of their interest, as far as can be ascertained, and the amount or the value of damage determined upon for the same respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot or piece of

land, or of any interest therein, it shall be set down as belonging to unknown owners; the said Board shall also attach to said report suitable maps and diagrams of the property to be taken for the creation of said street. Such report of values and damages, as soon as the same is completed, shall be left at the office of said Board daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested; and notice that the same is so open for inspection, for such time and at such place, shall be published by said Board daily, for twenty days, in two daily newspapers printed and published in said city and county. Any person interested in any piece or parcel of land taken or to be taken for the extension of said street, or in any improvements damaged thereby, or by the opening of said street, (feeling himself aggrieved by the action or determination of said Board, as shown in said report,) may have a summary hearing before said Board thereon, in person or by counsel, at any time before the filing of said report in the County Court, as herein provided, and may be examined upon oath, and produce and examine witnesses in relation thereto; and the said report shall, during that time, be open and subject to revision and correction by said Board. At the expiration of the time allowed for such hearing (all parties having been heard who desire a hearing), said Board shall proceed to review its said report, and correct or modify the same, and when such revision is completed, shall file such report in the County Court of said city and county, with a petition, signed by said Board, or a majority of the members thereof, for the confirmation thereof by said County Court; and thereupon such proceeding shall be taken and had, as to the hearing, revision, and correction thereof, in said County Court, and before said Board, if necessary, and in appealing and on appeal to the Supreme Court, as is provided for in the proceedings on petition for confirmation of the assessments and report to be made by said Commissioners.

Objections to report

Petition for confirmation of report

Sec. 15. Whenever said report shall have been finally confirmed and determined, any person or persons to whom damages shall be awarded according to the provisions of this Act, upon tendering the Board a satisfactory deed of conveyance to said city and county of the land for which damages was so awarded, shall be entitled to have, and there shall be issued to him, a warrant upon the treasury of said city and county for an amount equal to the sum of the damages awarded by said report, to be paid out of the "Sixth Street Fund," as herein provided for; and the sum so paid and accepted shall be in full compensation of and for all damages to the land and improvements taken and injured, as contemplated in this Act. And in case any person or persons, to whom or in whose favor damages shall have been allowed or awarded by said Board, shall fail, for the period of twenty days after there shall be funds to the credit of the "Sixth Street Fund" sufficient to pay such damages, to ask for or receive from said Board a warrant for the sum so awarded, the said Board may draw a warrant for the sum so awarded in favor of the said owner or owners, and deposit the same

On confirmation, warrants for amount of damages to be tendered

When failure by owners to accept same, Court to put city in possession of property.

with the County Clerk of said city and county, accompanied by a certificate of the Treasurer of said city and county that the warrant so drawn and deposited has been registered by him, and that there are funds in hand to the credit of said fund to pay the same; and thereupon said Board, on demand, shall be entitled to an order of the County Court authorizing it to enter upon such piece of land and remove all obstructions thereon, and to throw open the lot or lots represented by such owner or owners and described as a part of said street; and said Board shall thereupon be entitled to the issuance, to the Sheriff of said city and county, an execution in the nature of a writ of possession or a writ of *habere facia* [*facias*] *possessionem*, commanding him to put the said Board in possession of said lot or lots for the said city and county; and thereafter, upon delivery to the said County Court a good and sufficient deed, conveying the said lot of land to said city and county, the party so entitled and dispossessed shall receive the value of the land so conveyed, or the said warrant of the Board therefor.

When
unknown
owners,
liens, etc.

SEC. 16. In all cases when the owner or owners of any subdivision, or piece, or lot of land taken for the opening and establishing of said street, or of any improvement destroyed or injured, is or are unknown, or is or are laboring under any legal disability, and in cases where there are liens or incumbrances, or leases, or conflicting claims, or disputes, or doubts about the title of any lot or subdivision of land, which cannot be adjusted between the parties in interest, in all such cases it shall be the duty of the Board of Commissioners to draw a warrant on the said Treasurer, payable out of a said fund, for the amount awarded in each case as the value of the respective lots of land taken for said street, or for damage awarded on account of improvements destroyed or injured by reason of the opening thereof, as fixed by said Board in said report, and deposit said warrant with said County Clerk; and thereupon, and on proof of the same, the said Board shall be entitled to be placed and put in possession of such lots of land as is represented by said owner or owners, and as is taken for said street, in the same manner as provided in section fifteen of this Act; and the title to said lot or lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deed executed and delivered by the true owner thereof. Said Board shall also notify the said Treasurer of the drawing of said warrant, and furnish him with a description of the lot or lots referred to and paid for by said warrant; and the parties in interest in said lot or lots may proceed against said Treasurer, by bill in equity, in any Court of competent jurisdiction, for an adjudication to settle and determine the conflicting claim thereto, or to provide for its just and properly [proper] distribution, in which suit all parties in interest or dispute shall be made parties, if known. On the entry of a final decree of Court in such action, the said County Clerk shall deliver the said warrant to the party or parties entitled thereto, according to the order of said Court. The only requisition upon the Treasurer shall be, to answer whether

Conflicting
claims

he has the money in the Sixth Street Fund to pay the warrant when presented.

SEC. 17. Should the owner of any land taken for said street fail or neglect, for the space of thirty days after the money is in the treasury to pay for the same, to remove the buildings and improvements from their said lands, and deliver possession of said land to said Board, on tender of said Board to them respectively of the sums awarded to them respectively by said Board, as the value of such land, building, or improvements; then the said Board may, at any time thereafter, sell such buildings and improvements at public auction, to the highest bidders, to be removed by the respective purchasers thereof. The sum so bid at such sales shall be paid in cash, or in such warrants of said Board, and if, at such auction, there shall be no responsible bidder for such improvements, and able to remove them within the time specified in the term of sale, the said Board shall cause the same to be removed at the cost of said Sixth Street Fund.

Removal of buildings, etc

SEC. 18. The said street, when opened and established, shall, without delay, be graded, macadamized, and culverted by the said Board of Commissioners in accordance with the provisions of law now or hereafter applicable thereto, and as to the said Board shall seem necessary. The expense of grading, macadamizing, and culverting Sixth Street, where necessary, from Townsend Street to Illinois Street, shall be included in the costs of the improvements herein provided for, and shall be paid for out of said Sixth Street Fund.

Grading, etc

SEC. 19. Whenever the construction of said bridge, the taking and opening of said extension of Sixth Street from Tennessee Street to Illinois Street, as herein provided for, and the grading, macadamizing, culverting, and improving the said Sixth Street from Townsend Street to said Illinois Street, so as to make the same a substantial thoroughfare, have been completed, as called for and provided in section three of this Act, and the same shall have been accepted by said Board of Commissioners, the said Board shall proceed to ascertain and determine, and separately state and set down, in a written report, to be signed by at least a majority of said Board, all the costs and expenses of the said work, and the taking of said land for said street, as the costs and expenses of the same are defined and provided for in this Act; thereupon the amount thus ascertained by said Board shall be by it assessed upon the lands described in section nine of this Act; and said Board shall set down in its report the amounts apportioned and assessed upon each of the lots, pieces, or subdivisions of land described and delineated upon the said general map. Said assessments must be equal and uniform upon all the property affected by this Act, nor shall the amount of any assessment or assessments made hereunder exceed in any case the amount of the benefit found by said Board to have accrued to the land assessed for doing of said work, and the extension, creation, and establishment of said street. Said assessments shall be made by writing out in full in said report a description of each lot, piece, or subdivision of land assessed, together with the name of the owner or owners thereof, if

On completion of work, Board to report as to expenses and costs, and apportion same

On completion of work, Board to report as to expenses and costs, and apportion same

known, and the name or names of the lessee or lessees thereof, if any and if known, and the name or names of the mortgagee or mortgagees thereof, if any and if known, and the name or names of any other lien-holder or holders, if any and if known, and so far as the name or names of such person or persons can be ascertained, and shall add thereto, in writing, a statement of the amount of the benefit, in dollars and cents, which has accrued thereto by reason of the doing of said work, and the extension and creation of said street, and shall add thereto, in writing, a statement that the said lot, piece, or subdivision of land so described is assessed for the amount (stating it in dollars and cents), which amount so assessed thereon has been duly ascertained by said Board to be its proportion of the amount of money necessary to be raised for the payment of the whole cost of said work, and the extension of said street, under the provisions of this Act. If, [in] any case, said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall set the same down in said report and assess it as belonging to unknown owners. In case it shall happen that an amount shall be assessed on any piece, lot, or subdivision of land not in conformity to the subdivision lines, as shown on the maps, deeds, instruments, and descriptions filed with said Board, or otherwise obtained by it, or for any other reason it shall become necessary, after the report has been made and confirmed, as herein provided, to apportion any assessment between two lots, or subdivisions of a lot or lots, the said Board shall have authority to apportion the same, and make such alterations in their report as is thus rendered necessary.

Report to be open for inspection.

SEC. 20. Said report and assessment, as soon as completed, together with said general map, shall be left at the office of the said Board of Commissioners daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested, and notice that the same is so open for inspection for such time and at such place shall be published by said Board daily, for twenty days, in three daily newspapers printed and published in said city and county.

Parties objecting to report may be heard

SEC. 21. Any person feeling aggrieved by the determination of said Board of Commissioners as to the amount of his assessment upon the lands or property owned, occupied, possessed, or claimed by him, as shown in said report and assessment, may have a summary hearing thereon before said Board, in person or through counsel, at any time before the filing of said report and assessment in the County Court, as hereinafter provided, and may be examined under oath, and produce and examine witnesses in relation thereto, and the said report, and assessment, and general map shall, during that time, be open and subject to revision and correction by said Board. At the expiration of the time allowed for such hearing (the several parties who have, during said period of time, applied for a hearing having had an opportunity to be heard), said Board shall proceed to review its said report, and assessment, and map, and, if necessary, correct or modify the

same, and when such revision is completed, shall file such report, and assessment, and general map, in the County Court of said city and county, with a petition, signed by at least a majority of said Board, for the confirmation of said report and assessment by said County Court. Upon the filing of said report and assessment, with said general map and petition, the said County Court shall take and have jurisdiction of said proceedings as a special proceeding, and continue, if necessary, and determine the same after the manner of cases of equitable cognizance, and the said Court, or Judge thereof, shall thereupon appoint a day, not more than twenty nor less than ten days from the date of the filing of said report and assessment, for the hearing of said petition. Notice of the filing of said report, and assessment, and petition, and of the time and place appointed for the hearing of said petition, shall then be given by publication thereof daily, for at least ten days before said hearing, in two daily newspapers printed and published in said city and county. On the day appointed for the hearing of said petition, or on such other day or days as the hearing may be adjourned to, or as may be appointed for that purpose by the Court, all persons interested may be heard before said Court in relation to any of the matters contained in said report and assessments; and the Court, after hearing the allegations and proofs of all the parties interested, may confirm, set aside, or modify said report, and assessment, and map, and, if necessary, refer the same back for revision and correction to the said Board, who shall thereupon, if the same be so referred, after revising and correcting the same as directed by said Court, file the same so corrected and revised again in said County Court; and like proceedings shall thereupon be had as to hearing before said County Court, as to confirmation, reversal, or modification, as hereinbefore in this section provided, until said report and assessment, as revised and corrected, shall be finally confirmed by said Court. No objection to said report and assessment, or to either or any part thereof, shall be considered by said Court, except such as are specifically set forth, in writing, by the parties objecting to the same, and no error, omission, mistake, or irregularity shall be deemed or held by any Court in this State to affect the validity of the proceedings of said Board of Commissioners in the doing of said work, or causing the same to be done, or in the condemning of said land and the extension of said street, or in the making of said report and assessment, unless such error, omission, mistake, or irregularity affects the substantial rights of the complaining or objecting party or parties, and he or they are actually damaged thereby; and this Act, and all proceedings hereunder, shall be liberally construed, and the proceedings, decisions, findings, conclusions, and judgments of said Board of Commissioners, and of said County Court hereunder, shall be construed like the proceedings and judgments of Courts of general jurisdiction. Upon the confirmation of said report and assessment by said County Court, said Court shall enter up a separate judgment against each lot, piece, or subdivision of land assessed hereunder, for the amount so assessed

Board to re-view report.

Final confirmation.

Judgment for assessment

against the same in said report and assessment, describing the same as described in said report and assessment, or by a more correct description, if the same be incorrectly described therein. In the proceedings on said report and assessment there shall be but one judgment roll, which shall consist of a copy of the report and assessment, the petition for confirmation, the objections thereto, and the judgment of the Court thereon. All such judgments shall be in favor of the City and County of San Francisco against each particular lot, piece, or subdivision of land described, for the amount assessed upon it, shall be payable only in gold coin of the United States, or the receipts issued by the County Treasurer of said city and county, as provided for in section twenty-five of this Act, shall bear interest from the date of the filing of said report and assessment in said Court, at the rate of one per cent. per month until satisfied, and shall be a lien upon the respective lots of land until the same are satisfied or paid.

Parties may
appeal

SEC. 22. Any party dissatisfied with said report and assessment, or any part thereof, who shall have filed objections thereto in the County Court, as provided in the last preceding section, may, within thirty days after the entry of the judgment mentioned in the last preceding section, appeal to the Supreme Court to review the matters complained of in the objections so filed, and such appeal shall be taken in the manner and with the same effect, and in all respects in conformity to sections twelve, thirteen, and fourteen of an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four; and all subsequent proceedings shall be in conformity therewith, except that so far as said sections are used in carrying out this Act, the words "Board of Sixth Street Commissioners" shall be substituted in place of the words "Board of Supervisors," and "Board of Supervisors of said city and county," where the same occur in said section.

When no ap-
peal, Comt
may direct
Sheriff to
collect judg-
ment

SEC. 23. At any time after the final confirmation of said report and assessment by said County Court, the time for appealing therefrom having expired without an appeal having been taken, or, if such appeal shall have been taken, and the proceedings therein shall not be stayed by undertaking on appeal, as provided in said last-mentioned section and the Act therein referred to, said Board may apply to said Court for an order of sale to issue to the Sheriff of the said city and county, commanding him to collect the amount of the said several judgments, or such, or any of them, as shall then remain unpaid or unsatisfied, together with the costs and expenses, by sale of the lots against which the same are respectively entered, in the mode prescribed by law for the sale of real estate under decree of foreclosure of mortgage. Said order or order of sale may be issued against, and include therein, one or more of said lots, pieces, or subdivisions of said land, *provided*, that when more than one parcel of land is included therein, the Sheriff shall sell each lot, piece, or

subdivision separately; the proceeds to be paid by said Sheriff to the treasury of said city and county, who shall place the same to the credit of said Board, to be used solely for the purposes of this Act.

SEC. 24. Any owner of, or person interested in, any lot or subdivision of land assessed in said report and assessment, against which judgment has been so entered by said County Court, may, at any time before the issuance of an order of sale thereon, pay the amount of such judgment and interest, and Clerk's fees, to the Treasurer of said city and county, who shall receipt for the same and place the money to the credit of the "Sixth Street Fund," herein provided for; and on presentation to said Clerk of said receipt, such judgment shall be by him satisfied of record. All sums of money collected by said Sheriff on said judgments of the County Court shall be deposited by him with the said Treasurer, by whom the same shall be held as a special fund to be named the "Sixth Street Fund," and shall be paid out on the warrants of said Commissioners. The said warrants shall be drawn by said Board on said Treasurer, to the order of the person or persons to whom the amount thereof may be due, shall be signed by each of said three Commissioners, shall be payable in gold coin, shall bear interest at the rate of ten per cent. per annum, and shall be paid in the order of their presentation to said Treasurer, out of any money in his hands to the credit of said fund. It shall be the duty of said Treasurer to register the said warrants in the order of their presentation to him for payment, and to pay the same, as above prescribed, in the order of their registration.

Judgment may be satisfied before order of sale

SEC. 25. In case the owner or owners of any lot, piece, or subdivision of the land affected by this Act desires to advance to said Board of Commissioners the supposed or estimated amount of his assessment, or any portion thereof, for the purpose of supplying funds toward the payment for the private property taken or to be taken for the extension of said Sixth Street, from Tennessee Street to Illinois Street, and for the other work and improvements provided for herein, he may do so by obtaining from said Board of Commissioners a certificate setting forth the supposed or estimated amount of the assessment or assessments upon his or their lot or lots of land, as the case may be, and authorizing the said Treasurer to receive from such owner or owners such estimated amount of money in said gold coin. Said Treasurer shall give such owner or owners a receipt for the same, and place the money to the credit of the said fund. Said receipts shall bear interest at the rate of ten per cent. per annum from the date thereof, and shall be receivable by said Treasurer or County Clerk in payment of any assessment or judgment that may be made or entered against the land of the holder or holders thereof. If the amount of said receipts and interest thereon shall exceed the amount of such assessment or judgment against the land of the holder or holders thereof, then the said Treasurer or County Clerk, as the case may be, shall certify thereon, under his official seal, to the balance due on said receipt, after deducting therefrom

Owners may advance assessments on estimates of Board.

Advance payments, when in excess

the amount of said assessment or judgment against the land of such holder or holders thereof, and the said Board of Commissioners shall thereupon draw their warrant on said Treasurer, against said fund, for the balance due or necessary to satisfy said receipt. Said Treasurer shall register said warrant and pay the same, as provided in section twenty-four of this Act. Said Treasurer, County Clerk, and Board of Commissioners shall, upon taking up said receipts, under the provisions of this section, cancel the same and cause the same to be filed and preserved for the period of one year after the termination of all proceedings under this Act.

Expenses,
how paid

SEC. 26. The amount due any person or persons for rent, service, labor, or other expenses of the said Commission, shall be paid by said Board, by warrants drawn on said Treasurer, payable only out of the funds in his hands to the credit of said Board, and said Board is hereby authorized to draw its warrants upon said Treasurer for the purpose of making payments under such contract or contracts as may be entered into by them for the building of said bridge, the grading, macadamizing, culverting, and completing the said improvements of said Sixth Street, from Townsend Street to Tennessee Street, and for the opening, grading, macadamizing, culverting, and completing the said improvements of said Sixth Street, as herein created and dedicated, from Tennessee Street to Illinois Street, and generally for all the purposes and work contemplated in this Act, and all cost of the work as herein defined; *provided, however*, that all warrants drawn by said Commissioners, in payment for their own services, shall first be audited and allowed and countersigned by said County Judge. All warrants drawn upon said Treasurer pursuant to this section shall be registered by him and paid as provided for in section twenty-four of this Act.

Commis-
sioners to
turn work
over to city

SEC. 27. Upon the completion of said bridge, and the opening of said extension of said Sixth Street, from Tennessee Street to Illinois Street, as herein provided, and the completion of the grading, macadamizing, culverting, and finishing of the improvements of said Sixth Street, from Townsend Street to Illinois Street, so as to make the same a complete, safe, and substantial thoroughfare thereon, as contemplated and provided for by this Act, and to the satisfaction of the said Board of Commissioners, the same said bridge and street shall be delivered over to the said City and County of San Francisco, and the same shall be taken and received by said city and county, and shall thereafter be subject to the same rules, regulations, and ordinances, and maintained, managed, and improved as other open and free public streets and bridges in said city and county now are, or may hereafter be.

Fees of Clerk
and Sheriff

SEC. 28. The fees of the Clerk of said County Court, for his services in any proceedings in said Court under this Act, shall be the sum of two dollars for every judgment entered therein, and shall be collected at the time and in the manner that said judgments are collected, and shall be paid to said Clerk by said Board out of the fund hereinbefore provided

for, as other expenses are paid. And the said Clerk shall be entitled, for each transcript of the record prepared by him, from the party desiring the same, such fees as are now allowed on appeal in civil cases. The fees of said Sheriff shall be five dollars for every lot or subdivision lot sold by him, and two dollars for every writ of possession served by him, and which shall be paid to him as the fees of said Clerk are paid. Neither of said officers shall be entitled to receive any other or further compensation for any services rendered by him hereunder than those above provided for, but any expenses lawfully incurred by said Clerk or Sheriff for any such proceedings shall be assessed by said Board and paid as other expenses are provided to be paid.

SEC. 29. In case a surplus should remain in the hands of said Treasurer to the credit of said Board, after paying all the warrants issued by said Board hereunder, said Treasurer shall pay [such surplus] into the general treasury of said city and county. Upon the payment by the said Treasurer, upon the order of said Board, or into the general treasury, the total amount of said fund, all the said warrants and receipts having been paid and satisfied, and all the provisions of this Act having been fully carried out and complied with, the functions of said Board shall cease and determine.

SEC. 30. The words "person" or "persons," "party" or "parties," when used in this Act, shall be held and construed to include corporation and corporations. All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAP. DLXXXV.—[See volume of *Amendments to the Codes.*]

CHAP. DLXXXVI—*An Act to provide for the payment of certain coupons.*

[Approved April 3, 1876.]

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

SECTION 1 The State Treasurer is hereby directed to pay to the Capital Savings Bank, of Sacramento, the sum of seventy dollars, being the amount due on coupons number twenty-three, due January first, eighteen hundred and seventy-six, upon Central Pacific Railroad bonds, the payment of which coupons are guaranteed by this State, numbered respectively, eleven hundred and sixteen and fourteen hun-

Treasurer to
pay certain
railroad
coupons

dred and ninety-one, which coupons were each for the sum of thirty-five dollars, and have been lost; *provided*, that said payment shall not be made until said Capital Savings Bank shall execute and deliver to said Treasurer an undertaking bond, approved as to form and sufficiency by the Attorney-General, to the effect that they will at all times hereafter protect and save harmless the people of the State of California against said coupons, and against all persons lawfully claiming them or either of them, and against all damages for or on account thereof.

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

CHAP. DLXXXVII.—*An Act making appropriations for deficiencies in appropriations for the twenty-sixth and twenty-seventh fiscal year [years], ending June thirtieth, eighteen hundred and seventy-six.*

[Approved April 3, 1876.]

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

Appropriations for deficiencies

SECTION 1. The following moneys are hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the objects hereinafter expressed: For deficiency in appropriation for salaries of members of State Board of Examiners, nineteen hundred eighty-four and fourteen one-hundredths ($\frac{14}{100}$) dollars; for deficiency in salary of the ex officio member of the State Board of Equalization from December sixth, eighteen hundred and seventy-five, to March thirty-first, eighteen hundred and seventy-six, six hundred and eighty dollars; ten thousand dollars for transportation of insane; twenty-four thousand dollars for support of State prison; four thousand five hundred dollars for purchase of safe for State treasury; for building vault and doors for State treasury, twenty-five hundred dollars; for deficiency in salaries of members of the State Board of Education, two hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAP. DLXXXVIII.—*An Act to ratify and confirm a certain conveyance made by the Board of Trustees of the City of San Diego to Richard C. McCormick.*

[Approved April 3, 1876.]

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

Deed ratified and confirmed

SECTION 1. The deed of conveyance of a certain portion of pueblo lot twelve hundred and twenty-four, made the

seventh day of February, A. D. one thousand eight hundred and seventy-six, by the Board of Trustees of the City of San Diego, to Richard C. McCormick, for the purpose of correcting a prior defective deed to said grantee, dated February twenty-seven, one thousand eight hundred and sixty-nine, is hereby legalized, ratified, and confirmed; and shall be deemed, held, and taken to convey a valid title in and to the premises described therein to said Richard C. McCormick, his heirs and assigns, to the extent of the interest purporting or attempted to be conveyed, as fully and effectually as though such deed of conveyance or grant had been made in strict accordance with a decree or statute passed and enacted by the proper and appropriate legislative authorities, directing and authorizing the same.

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

CHAP. DLXXXIX.—*An Act to provide a supply of water for the Napa State Asylum for the Insane.*

[Approved April 3, 1876.]

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

SECTION 1. Any of the springs and natural sources of water supply which are within a distance of one mile and a half from the extreme limits of the grounds of the Napa State Asylum for the Insane, together with so much of the lands on which the same are located as are necessary for the protection of said springs and sources of supply, and the right of way for a pipe or aqueduct over intervening lands to reach the same, may be condemned in the manner herein-after provided, for the use of the Napa State Asylum for the Insane, and shall not be taken up or appropriated by any private corporation. Said springs and sources of water supply and said lands are hereby declared to be necessary for the use of the institution above named, and such use is declared to be a public use.

SEC. 2. In order to effect such condemnation, a complaint shall be filed by the Attorney-General, in the name of the people of the State of California, against all owners or claimants of such springs, and of the lands on which the same are situated, and of the lands over which a right of way is sought, whose names are known, or can be conveniently ascertained, and against all unknown owners and claimants, designating them as "unknown owners" in said complaint. All the proceedings thereafter shall be had and taken under and in accordance with the provisions of Title (7) Seven, Part (3) Third, of the Code of Civil Procedure, except that it shall not be necessary, upon the trial, to show that said springs are necessary to the institution aforesaid.

Sources of water supply may be condemned

Attorney-General to bring action for condemnation

Appraise-
ment, by
whom

SEC. 3. Instead of a trial by jury, the District Court may, in its discretion, appoint three Commissioners or Referees to appraise the value of said springs and lands, and the right of way to reach the same from the Napa State Asylum for the Insane grounds, over the lands between said springs and the grounds of the asylum.

Upon con-
demnation,
Controller to
draw war-
rant

SEC. 4. Upon a judgment being rendered for the condemnation of said springs and lands, and right of way, and appraising the value thereof, and upon filing in said proceedings a written certificate by the Governor, approving such valuation, the Controller shall draw his warrant upon the State Treasurer in favor of the Treasurer of the Napa State Asylum for the Insane, for the amount of such valuation, payable out of any moneys in the General Fund; and said Treasurer of the Napa State Asylum for the Insane shall pay the amount forthwith into the Court in which such judgment is rendered, to be paid out under the order of said Court to the parties entitled thereto. When said amount is paid into Court the title to said springs and lands, and right of way, shall vest in the State, for the use and benefit of the public institution hereinbefore referred to.

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

CHAP. DXC.—*An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.*

[Approved April 3, 1876.]

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

Concerning
right of cer-
tain owners
to use toll
road free

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. All persons residing in Road District Number Seventeen, including those who shall hereafter reside therein, whether they own lands in said road district or not, and, also, all persons who reside or may hereafter reside within the following limit, in the City of Sacramento, between W and Y Streets and Seventh and Fifteenth Streets, and who own real estate in said road district, shall be entitled to the use of said road free of toll, so long as they continue to reside within said road district and within said limits of said city, and own real estate in said road district where ownership is required. Each person claiming the right to the use of said road free of toll, under the provisions of this Act, must furnish proof by affidavit of himself, and, if required, by affidavit of some other person competent to be a witness in an action in a Court of justice of this State, setting forth the facts which entitle such applicant to the use of said road free of toll; whereupon it shall be the duty of the said parties, and their associates and

assigns, to issue and deliver to the applicant so entitled a pass entitling the said applicant to use said road free of toll for one year, and such pass shall be renewed each year thereafter, so long as the person to whom the same was issued shall continue to possess the qualifications entitling persons to the free use of said road, as provided by this Act. For every violation of the provisions of this section, said parties, their associates and assigns, shall forfeit an amount equal to three times the sum of all tolls paid by the injured party during the time such pass shall have been denied and withheld, to be recovered by civil action in any Court of competent jurisdiction in this State.

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

CHAP. DXCI.—*An Act supplemental to an Act entitled "An Act to create an irrigation district to be called the West Side Irrigation District," approved April third, eighteen hundred and seventy-six*

[Approved April 3, 1876.]

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

SECTION 1. It shall be the duty of the Governor, immediately after the passage of this Act, to appoint three competent Commissioners, who shall perform the duties hereinafter imposed upon them.

Governor to appoint Commissioners

SEC. 2. As soon as practicable after the appointment of said Commissioners, they shall proceed to make a careful examination of the district referred to in said Act, between Tulare Lake and the Town of Antioch, and shall cause to be made a thorough topographical survey of said proposed canal, and shall definitely locate the same from the point of beginning to the point of termination; they shall accurately determine the extent, limits, and exterior boundaries of said district, and shall make accurate plats and charts of said districts, and of the line of the proposed canal, they shall specify the dimensions and grade of said proposed canal, and make an accurate estimate of the cost of constructing the same. They shall make a full report, in detail, of the matters herein specified, and file the same with the Governor on or before the first day of March, eighteen hundred and seventy-seven, with such plats and charts as may be necessary for a full understanding of said report. Said report shall be published in at least one newspaper published in each of the counties in which any portion of said district is located, for at least thirty days preceding the election hereinafter provided for.

Commissioners to examine and survey district

To report to Governor

Publication of report

SEC. 3. After the filing of said report, the Commissioners shall order an election to be held in said district, at the time, in the manner, and for the purposes mentioned in section three of the Act to which this Act is supplemental; all the

Commissioners to order election

- Powers of Commissioners powers and duties conferred upon the Board of Commissioners whose appointment is provided for in section two of said Act, and not in conflict with the provisions of this Act, are hereby conferred upon the Commissioners appointed by virtue hereof; *provided*, that so much of said section three of said Act to which this Act is supplemental as requires an election to be held within sixty days after the passage of said Act, is hereby repealed; *and provided*, that at said election to be held on the first Tuesday in May, eighteen hundred and seventy-seven, the ballots shall contain, in addition to the names of the persons to be voted for, the words "Tax—Yes," or "Tax—No." If a majority of those voting on the question of said tax shall vote "Tax—No," the Board of Commissioners shall so proclaim it, and no further proceedings shall be had under this Act or the Act to which this Act is supplemental, but if a majority of those voting on said question shall vote "Tax—Yes," the Commissioners shall so proclaim it, and shall proceed as in said Act provided, and all plats, maps, and charts of said canal, and of the district, shall be delivered to the Commissioners elected at such election.
- Provisions repealed
- Form of ballots
- Commissioners elected, when to have jurisdiction
- Commissioners may employ assistants
- Board to consult engineer
- SEC. 4. The said Commissioners provided for in this Act may employ one chief engineer and such additional surveyors, draughtsmen, and other assistants as they may deem necessary, who shall each be paid a reasonable compensation, to be agreed upon by them and the Commissioners.
- SEC. 5. The said Commissioners, before making their report, must call in for consultation some member of the United States Engineer Corps, or if none can be obtained, then some other competent engineer, and must submit to him the maps and charts made, and may pay him a reasonable compensation for his services.
- SEC. 6. This Act shall take effect from and after its passage.

CHAP. DXCII.—*An Act for the relief of Michael Purcell.*

[Approved April 3, 1876]

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

- Supervisors to allow claim
- SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to order paid to Michael Purcell the sum of two thousand and fifteen dollars, with legal interest on the said amount remaining due and unpaid to said Michael Purcell, on the contract to clean the streets in District Number One, being that portion of the City of San Francisco bounded on the north by line of Market Street, on the west by the westerly line of Eighth Street, and on the south and east by the Bay of San Francisco, as per contract on file in the office of the Superintendent of Public Streets and Highways in said City and County of San Francisco; *provided*, that before making any order or appro-

priation under this Act, the said Board of Supervisors shall be satisfied, after careful investigation, that the said claim is equitable and just.

SEC. 2. The Auditor of said City and County of San Francisco is hereby authorized and directed to audit the said sum, with legal interest thereon, as above specified in section one, and to issue his warrant therefor to Michael Purcell; thereupon, and upon the presentation of the said warrant to the Treasurer of the City and County of San Francisco shall pay the said warrant, as other indebtedness of the said City and County of San Francisco, in United States gold coin, to the above said Michael Purcell, in person, as in section one of this Act.

Auditor to draw warrant.

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

CHAP. DXCIII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to make provision for any deficiency in the Street Department Fund of the fiscal year eighteen hundred and seventy-five-seventy-six.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, in estimating the amount required for the Street Department Fund for the fiscal year eighteen hundred seventy-six-seventy-seven, to include in said estimate any amount, not to exceed in the aggregate the sum of fifty thousand dollars, that may remain due or unpaid for street work performed or contracted for on accepted streets during the fiscal year eighteen hundred and seventy-five-seventy-six, and in the same manner and at the same time as other taxes in said city and county are levied, to make such levy upon the taxable property of said city and county for the fiscal year eighteen hundred and seventy-six-seventy-seven as may be sufficient to pay off all unpaid and outstanding demands upon the Street Department Fund during the fiscal year eighteen hundred and seventy-five-seventy-six, and all estimated expenditures upon the Street Department Fund during the fiscal year eighteen hundred seventy-six-seventy-seven.

Supervisors to provide for deficiency.

SEC. 2. This Act shall take effect immediately.

CHAP. DXCIV.—*An Act amendatory of and supplemental to an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the funding the outstanding indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two, approved March twenty-fifth, eighteen hundred and seventy-four.*

[Approved April 3, 1876.]

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

Reclamation
Fund Com-
missioners
to estimate
rates of as-
sessment.

SECTION 1. Section three of an Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two, approved March twenty-fifth, eighteen hundred and seventy-four, is hereby amended so as to read as follows: Section 15. The Reclamation Fund Commissioners shall, on the first Monday of March, and every year thereafter until the said bonds are all paid, estimate the rate of assessment which it shall be necessary to levy on the aggregate of amounts charged on the tracts or lots described in the said list or lists, in order to raise the amount sufficient to pay the interest that is due or to become due in the ensuing year, and such parts of the principal of the said bonds as is hereinafter provided; and they shall transmit a certificate to the Auditor or Auditors of the counties in which the district is situated, stating the rate of assessment to be levied upon the amount charged on each tract or lot described in the list filed in his office, and directing him to prepare, within ninety days, a copy of said lists, and to enter thereon, opposite to each tract or lot therein described, the amount of assessment to be collected from the owner or claimant of each of said tracts or lots at the rate indicated; *provided*, the Auditor of Sutter County shall have sixty days after the passage of this Act to prepare a copy of the lists for Levee District Number Five, and to enter the amount of assessments levied for the district by the Reclamation Fund Commissioners on the first Monday of March, eighteen hundred and seventy-five, and shall, within the said sixty days, sign the same and file it in the office of the County Treasurer, who shall note on said lists the date of filing; and the assessment shall thereafter be due and payable, and shall be collected, in the same manner as though the lists had been filed with the County Treasurer at the proper time in eighteen hundred and seventy-five; *provided*, that nothing in this Act shall be so construed as to legalize any assessment or delinquent assessment heretofore made in District Number Five, Sutter County, nor in any reclamation or levee district in any county in this State, nor shall this Act be so construed as to legalize any order of the Board of Supervisors, or Board of Funding Commissioners, or any act of the Assessment Commissioners in District Number Five, Sutter County, nor in any district in this State.

Auditor to
prepare lists.

Collection.

SEC. 2. Coupons shall be received by the County Treas-

urer in payment for the assessments levied to pay the interest on outstanding bonds, provided said coupons shall be due or become due within the fiscal year for which the assessment was levied; and in case assessments are paid in coupons, the County Treasurer shall turn them over to the State Treasurer, who shall cancel them in the same manner as if he had redeemed them.

Coupons to be taken in payment.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAP. DXCV.—*An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Los Angeles River, in the City and County of Los Angeles, and to levy a tax for payment of the costs of the same.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized and empowered to locate and construct a good and substantial bridge, of sufficient width and strength to admit the passage of heavily-laden freighted wagons and teams, across the Los Angeles River, in the City and County of Los Angeles, at a point below the mouth of the Arroyo Seco, at or near the termination of San Fernando Street on the west bank, of the termination of Downey Avenue on the east bank, of said river; and upon such plan and of such materials, with substantial abutments, as the said Board of Supervisors shall determine, but at an expense not to exceed six thousand dollars (\$6,000); *provided*, that the said bridge shall only be constructed and paid for in the manner hereinafter provided.

Supervisors to construct bridge.

Expense not to exceed.

SEC. 2. Before proceeding to the construction of the said bridge, the said Board of Supervisors shall cause to be prepared, and shall adopt, plans and specifications for its construction, and shall deposit the same with the Clerk of said Board for the inspection of bidders; and shall cause to be published, for at least twenty days, in some daily newspaper of general circulation in the City and County of Los Angeles, an advertisement inviting sealed proposals for the construction of such bridge. Said sealed proposals shall be addressed to the Clerk of said Board, and shall contain a bid for the construction of said bridge according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties, in case of acceptance of their bid.

Plans, etc.

Proposals for work.

SEC. 3. Within one week after the expiration of the time specified in the said advertisements for the presentation of said proposals, the said Board of Supervisors shall meet, and, having declared the time for receiving bids closed, in

Awarding of contract.

public open all proposals that may have been received for the construction of said bridge, and shall proceed to consider the said proposals, and shall, upon the filing of the bond hereinafter provided for, award the contract for the construction of the said bridge to the lowest bidder or bidders; *provided always*, that the said Board shall have power to reject any and all bids received; *and provided*, that no party to whom the contract for building said bridge may have been awarded shall have the right to sub-contract the work of building said bridge to any other person, under penalty of a forfeiture of his bonds.

Contractor's
bond.

SEC. 4. The person to whom the contract for the construction of said bridge may be awarded shall file a good and sufficient bond, with two or more sureties, in double amount of his bid, to be approved by said Board of Supervisors, and conditioned that the obligors will well and truly, and in a good and workmanlike manner, cause the said bridge to be constructed and completed within six months after the bid shall have been accepted, in accordance with the plans and specifications adopted by said Board; *and provided further*, that not more than seventy-five per cent. of the amount agreed upon to be paid for the building of such bridge shall be paid as the work is in progress of construction, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Bridge tax.

SEC. 5. For the purpose of providing means for the construction of said bridge, the city authorities of the City of Los Angeles shall levy and collect a tax sufficient to pay one-half of the cost thereof, and the Board of Supervisors of Los Angeles County are hereby authorized to levy and collect, in the same manner as is or may be provided by law for the collection of State and county taxes, a special bridge tax, not exceeding two and one-half cents on each one hundred dollars of the value of the real and personal property in said county, and the fund derived from this tax shall be set apart and applied exclusively to the payment of one-half the cost of said bridge, and shall be known as "The Los Angeles River Bridge Fund."

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

CHAP. DXCVI.—*An Act to enable the Board of Trustees of the City of Healdsburg to subscribe moneys belonging to said city for the purpose of aiding in the erection of a school or college building in said city.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Trustees of the City of Healdsburg are empowered, and it is hereby made their duty,

upon the presentation of a petition for that purpose from a majority of the legal voters of said city, to give, donate, and subscribe, out of the funds now on hand belonging to said city, to any chartered or incorporated institution of learning having a curriculum of studies above the grade of a high school, for the purpose of aiding in the erection of a school or college building, the sum of one thousand dollars in gold or silver coin; *provided*, said institution of learning be permanently located in said city within one year from the passage of this Act; *and provided further*, that the said one thousand dollars shall not be donated or subscribed as aforesaid, until the sum of ten thousand dollars is subscribed and paid in by other parties, for the erection of said school or college buildings.

City Trustees
to donate
funds to aid
college.

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

CHAP. DXCVII.—*An Act to amend an Act entitled an Act to incorporate the City of Healdsburg, approved March twenty-sixth, A. D. eighteen hundred and seventy-four.*

[Approved April 3, 1876.]

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

SECTION 1. That section ten of an Act entitled an Act to incorporate the City of Healdsburg be amended so as to read as follows: Section 10. The Board of Trustees shall have the power, and it is hereby made their duty, to make such ordinances, not incompatible with the laws and Constitution of the United States and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to prohibit disorderly conduct; to license and regulate theatricals, concerts, circuses, and all shows and places of amusements; to license and regulate hawkers and peddlers of any articles not produced in Sonoma County; to tax and regulate pawnbrokers; to regulate and prohibit dance-houses, houses of ill-fame, and disorderly conduct of all kinds; to fix the times and places of meetings of the Board of Trustees; to establish rules for the proceedings of the Board; to require bonds of all city officers, except the members of the Board of Trustees, and to fix the amounts and penalties thereof, and the number and qualification of the sureties thereon, and the conditions of said bonds; (no Trustee to be directly or indirectly interested in any contract made by them); to lay out, alter, and establish all streets and alleys, sidewalks and crossings, and public grounds of said city, and to establish grades of the same; to lay out, locate, and establish sewers and drains in said city; to provide for the prevention of the running at large in said city of horses, mules, swine, sheep, goats, and cattle, and for the impounding of the same, and selling

General
powers and
duties of
Trustees.

General powers and duties of Trustees.

them to pay the expenses and costs of such impounding, keeping, selling, and paying in of such sums; to provide for and establish a chain-gang, and to regulate and conduct the proceedings of the same; to provide for and establish a fire department, and to regulate the conduct and proceedings of the same; to establish public reservoirs and works for providing said city with water; to establish the manner of appropriating fines, penalties, and forfeitures for the breach or violation of ordinances and non-compliance therewith; to provide for the removal of dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares in said city; to prevent and punish the depositing of dead animals and filth in said city; to establish sanitary regulations for the health of the city, or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof, and by orders entered on their minutes shall have power to make contracts; to levy a tax annually for general purposes on all property in said city subject to taxation, not exceeding one per cent. of the assessed valuation thereof, and to order the same collected; to tax dogs; to order the collection of a street tax annually of not more than four dollars on each male person over the age of twenty-one and under the age of fifty years, residing in said city; to expend the amount of all taxes collected; to build or rent buildings for the use of the fire and police department of said city; to appoint one or more assistants for the Marshal, and fix the rate of compensation for the same; to establish and regulate a city prison; to control, pay out, and expend the funds of said city, and do any and all acts necessary to be done for the proper performance of their duties under the charter of said city. They shall receive two dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

Police jurisdiction.

SEC. 2. And be it further enacted, that section fourteen of said Act be amended so as to read as follows: Section 14. The Police Court of said city shall have exclusive jurisdiction of the following public offenses committed within the city boundaries:

First—Petty larceny.

Second—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.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—All proceedings respecting vagrants, lewd, or disorderly persons.

Fifth—All breaches and violations of city ordinances, and non-compliance therewith.

The proceedings in the Police Court shall be the same in all respects as the proceedings in Justices' Courts in criminal

actions, except that in cases of imprisonment for breaches or violation of city ordinances, or non-compliance therewith, such imprisonment shall be in the city prison. Appeals may be taken from the Police Court to the County Court, and the like proceedings shall obtain as in appeals in criminal cases from the Justices' Courts. The Police Judge shall have power to administer oaths and affirmations, and to take affidavits and depositions, to be used in any Court or proceeding in this State, and to certify the same. All processes of every description issued from said Court may be executed by the City Marshal, or his deputy, or by the Constable of Mendocino Township. The Police Judge shall keep a docket and a record of his proceedings in the same manner and form as is required of Justices of the Peace. The fees or salary of the Police Judge shall be fixed by the Board of Trustees. All fines and penalties collected by him shall be paid by him into the city treasury at the end of each quarter of the fiscal year of said city; *provided*, the said Police Judge may retain the amount of his fees from the amounts collected by him. The Police Judge shall keep a full and clear statement of all moneys received and paid, and shall, at the end of each quarter, file with the City Clerk a statement of the same.

Appeals from Police Court.

City Marshal

Fees and salary of Police Judge.

CHAP. DXCVIII.—*An Act for the improvement of streets and sidewalks in the City of Placerville.*

[Approved April 3, 1876.]

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

SECTION 1. All the streets as laid down upon the official map of the City of Placerville, are placed under the control of the Board of Auditors of El Dorado County.

Control of streets.

SEC. 2. The Road Overseer of Placerville Township, subject to the control of the Board of Auditors, shall have control of the streets and sidewalks in the City of Placerville.

Overseer.

SEC. 3. The Road Overseer of Placerville Township may require, at his option, by notice in writing, to be delivered personally or left on the premises, the owner, tenant, or occupant of any lot, or portion of a lot, to construct or repair forthwith a sidewalk in front of the property of which he is the owner, tenant, or occupant, specifying in the notice what improvement is required, and how many days will require to make it. After the expiration of the time fixed in the notice, which shall not be less than five days, the said Road Overseer shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements. If such work or improvement be not commenced within the time fixed in the notice, and diligently and uninterruptedly prosecuted to completion, the said Road Overseer may enter into a contract with any suitable person, to make said im-

Improvements, notice to owners of property.

Same, at
owners'
expense.

provement, order said work at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Road Overseer, and such owner, tenant, or occupant shall be liable to pay the same.

Contractor
may collect
by action.

SEC. 4. If the expenses of the work and material for such improvement, after the completion thereof, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor, or his assigns, shall have the right to sue the owner, tenant, or occupant for the amount contracted to be paid, and the certificate of the Road Overseer that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount demanded for said work and materials, and of the right of the contractor to recover for the same in such action. Such contractor shall have a lien upon the property for the benefit or improvement of which the work is done, from the time of the commencement of the work, and such lien shall be superior to any homestead right, and to any other lien created subsequent to the commencement of the work. Suit may be commenced in any Court of competent jurisdiction to foreclose the lien, and in any judgment obtained, the contractor shall recover, as part of the costs, an attorney's fee of fifty dollars. The contractor may waive his lien and commence suit to recover a personal judgment alone. In such suit an attachment may be issued.

Appeal from
order of
Overseer.

SEC. 5. After the service of notice mentioned in section three, and before the making of a contract by the Road Overseer, the person notified may appeal to the Board of Auditors from the order of the Road Overseer. Such shall be taken by the party filing a petition with the Clerk of the Board of Auditors, setting forth the order and notice of the Road Overseer, and the facts or grounds upon which he objects to the enforcement of the order of the Road Overseer. To make such appeal effective, the party shall file with the Clerk of the Board of Auditors a bond, in the sum of two hundred dollars, with two sureties, conditioned for the performance of such order as the Board of Auditors shall make in the matter. Thereupon the Clerk of said Board shall issue a notice to the Road Overseer that such appeal has been taken. After the service of said notice, said Road Overseer shall not take any further steps in the matter until the decision of the Board. The appeal shall be heard at the next meeting of the Board, and the decision of the Board shall be final. The Board may quash the proceedings of the Road Overseer, or they may order the improvement to be made, and make such other orders relating thereto as they may deem proper. If the Board order the improvement to be made, the Road Overseer shall notify the owner, tenant, or occupant of the property to make the improvement, specifying in the notice the number of days in which the improvement shall be made. If the improvement is not completed within the time specified, the Road Overseer may contract for the work as mentioned in section three; and the District Attorney shall also, upon the request of the Road Overseer, commence and prosecute an action to recover the amount of

Bond of
petitioner.

Hearing of
appeal.

the bond on appeal, as a penalty for failure to perform the work.

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

CHAP. DXCIX.—*An Act to authorize the construction and maintenance of a boom on Mad River, in Humboldt County.*

[Approved April 3, 1876.]

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

SECTION 1. G. S. Baker, his associates, assigns, and their successors in interest, are hereby authorized to construct and maintain a boom across Mad River, in Humboldt County, State of California, suitable and sufficient to secure and hold logs and lumber of all kinds, for the term of twenty years, said boom to be erected at or near the canal that connects Mad River with Humboldt Bay. Franchise to G. S. Baker and others.

SEC. 2. When it shall appear that the maintenance of such boom shall divert the floating or drift wood that floats down Mad River into the Humboldt Bay, or that the effect of maintaining such boom tends to injuriously affect the navigation of said bay, it shall be immediately discontinued, and when it shall so divert the driftwood of Mad River as to cause it to find its way to the said bay, or when it shall injuriously affect the navigation of said bay, it shall be deemed a nuisance, and it shall be the duty of the Harbor Commissioners of the Port of Eureka to see that such nuisance is abated. When boom may become nuisance.

SEC. 3. The owners of said boom shall protect the banks of the canal that connects Mad River with Humboldt Bay, by the construction of such bulkheads or levees as may be necessary to protect the lands adjacent thereto, and they shall be liable for all damages which may accrue to such lands by reason of neglect to construct such bulkheads or levees. Banks to be protected.

SEC. 4. The owners of said boom shall be deemed to have constructed all necessary bulkheads and levees, when the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, shall have pronounced such bulkheads or levees suitable for the purposes for which they are intended. Boom, when complete.

SEC. 5. The owners of said boom are authorized to charge and collect tolls upon all logs and lumber run into and secured by said boom. Such tolls shall be fixed and regulated from time to time by the Board of Supervisors of Humboldt County. Tolls.

SEC. 6. The rights and privileges conferred and granted by the provisions of this Act are on the express condition that the construction of said boom shall be commenced within six months after the passage of this Act, and that a boom suitable for the purpose of securing logs and lumber be constructed within eighteen months from and after the commencement of the construction of said boom. When boom to be finished.

Misde-
meanor.

SEC. 7. Any person or persons who willfully or maliciously destroys or injures said boom shall be deemed guilty of a misdemeanor, as in other cases, and shall be liable to the party or parties injured for all damages sustained by them, as in other cases for the destruction of private property.

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

CHAP. DC.—[See volume of *Amendments to the Codes.*]

CHAP. DCI.—*An Act to authorize the City of Oakland to construct main sewers.*

[Approved April 3, 1876.]

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

City may
construct
sewers.

SECTION 1. The City of Oakland is hereby authorized and empowered to construct main sewers, and where necessary, and in connection therewith, to fill up and grade to the official grade any street through which such main sewer may be constructed, anywhere within the corporate limits of said city, whenever, in the opinion of the City Council and the Board of Health, the interest, convenience, and health of the city will be promoted thereby. Said sewers may be constructed in such manner, of such dimensions, and with such materials, as the City Council shall by ordinance direct.

Council to
let contract.

SEC. 2. The Council shall cause to be prepared plans and specifications for any sewer to be constructed, and where necessary, and in connection therewith, for filling up and grading to the official grade any street through which such main sewer may be constructed under the provision of this Act, and shall advertise for ten days, in at least one newspaper published in Oakland and one in the City and County of San Francisco, for sealed proposals for constructing said sewer, and filling up and grading aforesaid. The work may be let in sections and must be awarded to the lowest responsible bidder, the Council having the right to reject any and all bids. The work shall be done and the materials furnished under the supervision and to the satisfaction of the City Engineer.

Expenses,
how as-
sessed.

SEC. 3. The expenses incurred for the construction of any sewer, and filling and grading aforesaid, authorized by section one of this Act, shall be assessed upon the lots and lands, excepting public streets and highways, within the limits of the city which are capable of being drained by the sewer, each lot or portion of a lot being separately assessed at a uniform rate per square foot sufficient to cover the total expense of the work, including all incidental expenses.

SEC. 4. After the contractor for the construction of any sewer and filling up and grading authorized by this Act, has fulfilled his contract to the satisfaction and acceptance of the City Engineer and City Council, the City Engineer shall immediately furnish the City Council with a map or diagram showing the lots and lands, except streets and highways, which are capable of being drained by said sewer; said map shall also show the total area, in square feet, of said lands, numbers of the blocks, lots, and lands, as designated on the official map or maps of said city, and, also, the area in square feet of each lot or portion of lot within the aforesaid limits. If said map or diagram is not satisfactory to the City Council it shall, by resolution, direct the City Engineer to modify said map or diagram in any particular, or make a new map or diagram, and so on, until they are satisfied; and then shall direct its Clerk to transmit said map or diagram to the City Marshal.

City Engineers to furnish map.

SEC. 5. Upon receipt of said map or diagram the Marshal shall make an assessment to cover the sum due for the work performed and specified in said contract, including incidental expenses, in conformity with the provision of the preceding section, or if any direction or decision shall be given by said Council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, the total area in square feet of the lots and lands (excepting streets and highways), which are capable of being drained by said sewer, the rate per square foot assessed, the amount of each assessment, the name of the owner of each lot or portion of a lot, if known to the Marshal; if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon.

Marshal to assess expenses.

SEC. 6. To said assessment shall be attached a warrant, which shall be signed by the Marshal and countersigned by the Mayor of said city, who, before countersigning it, shall examine the contract, the steps taken previous thereto, and the record of the assessments, and must be satisfied that the proceedings have been fair and legal. The said warrant shall be substantially in the following form: Form of the warrant: "By virtue hereof I (name of Marshal), Marshal of the City of Oakland, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do authorize and empower (name of contractor) (his or their), agents or assigns to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same. Oakland (date), eighteen hundred and seventy—. (Name of Marshal), Marshal City of Oakland. Countersigned by (name of), Mayor." Said warrant and assessment shall be recorded in the office of said Marshal. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner dis-

Warrants for assessments to be delivered to contractor.

charged, and from and after the date of said recording of any warrant and assessment all persons shall be deemed to have notice of the contents of the record thereof. After said warrant and assessment are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand; but not until after the payment to the said Marshal of the incidental expenses not previously paid by the contractor or his assigns. And by virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

Collection of
assessments.

SEC. 7. The contractor or his assigns, or some person in his or their behalf, shall call upon the person assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the person so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Marshal within sixty days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length, in a book to be kept for that purpose in his office, and shall sign the record. The said Marshal is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien, until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books in his office on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the legal rate, or ten per cent. per annum, until paid.

SEC. 8. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Act, or in the assessment, feeling aggrieved by any act or determination of the Marshal in relation thereto, or having or making any objection to the correctness or legality of the assessment, or other act, determination, or proceeding of the Marshal, shall, within sixty days after the date of the warrant, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Marshal relative to said work; may confirm, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Marshal to correct the warrant or assessment in any particular, or to make and issue a new warrant and assessment, to conform to the decisions of said City Council in relation thereto, at their option. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section, as to all errors, informalities, and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself.

Owners may file objections.

Hearing of same.

SEC. 9. At any time after the period of sixty days from the day of the date of the warrant as hereinbefore provided, or if any appeal is taken to the City Council, as is prescribed in section eight of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment after the same may have been corrected, altered, or modified, as provided in section eight of this Act (but not less than sixty-five days from the date of the warrant), the contractor or his assignee may sue in his own name the owner of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant and assessment, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided. Suit may be brought in the District Court of the Third Judicial District. The said warrant and assessment, with the affidavit of demand and non-payment, shall [be] prima facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises

When contractor may enforce collection.

assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts. Such premises, if sold, may be redeemed, as in other cases of real property sold on execution. In all suits brought to recover assessments levied under the provisions of this Act, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the provisions of the Code of Civil Procedure. This Act shall be liberally construed to effect the ends of justice. "Appeals may be taken and prosecuted in the Supreme Court, as provided in the Code of Civil Procedure in other cases."

Incidental expenses.

SEC. 10. The term "incidental expenses" shall mean the expense for work done by the City Engineer, under the provisions of this Act; also, the expense of printing and advertising, and the expense of superintending any sewer constructed under this Act.

CHAP. DCII.—*An Act to appropriate money for the support of the Government of the State.*

[Approved April 3, 1876.]

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

Appropriation.

SECTION 1. There is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended in the two succeeding fiscal years, the following sums: For the salary of the members of the Board of Transportation Commissioners, eighteen thousand dollars. For salary of Clerk of said Board, thirty-six hundred dollars. For contingent expenses of said Board, six hundred dollars. For salaries and other expenses of the Commission constituted under the provisions of "An Act to provide for an examination into the sale and disposal of State lands," approved April third, eighteen hundred and seventy-six, twelve thousand dollars. For the payment of rewards for the arrest and conviction of highway robbers, three thousand dollars.

Deficiencies

SEC. 2. There is hereby appropriated for deficiencies in the present fiscal year: For salaries of District Judges, two thousand and eighty-two dollars. For salaries and other expenses of the Transportation Commissioners, twelve hundred and seventy-five dollars.

SEC. 3. This Act takes effect immediately.

CHAP. DCIII.—*An Act supplemental to an Act entitled an Act to protect agriculture in the County of Calaveras, approved March twenty-fourth, eighteen hundred and seventy-four.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors of the County of Calaveras are hereby authorized, at the time they order the publication of the proclamation of the Governor for the general election for members of the Legislature, in the year eighteen hundred and seventy-seven, to cause to be published a notice to the electors of the several townships in said county, that at said general election there shall be submitted to the voters of each township in said county the question of the extension of the Act of the Legislature entitled "An Act to protect agriculture in the County of Calaveras, approved March twenty-first, eighteen hundred and seventy-four," to the respective townships of said county. The ballots to be used at said election may contain the words, "For extension of Act to protect agriculture," or, "Against extension of Act to protect agriculture," written or printed thereon. The Inspector and Judges of Election, at each and every polling precinct in said county, shall ascertain and make return of the number of votes cast in favor of the extension of said law and against the extension of the same as aforesaid, in like manner, and with the same particularity, as other votes are required by law to be counted and returned.

Electors to vote on question of continuing trespass law.

SEC. 2. Immediately after the canvass of the vote of said county the Clerk of the Board of Supervisors must make out two statements of the vote of each township in said county, upon the question submitted under this Act, and certify the same, and deliver one statement to the member of the Assembly elect from said county, and one statement to the Senator elect of the Seventeenth Senatorial District.

Clerk to prepare statements.

SEC. 3. It shall not be lawful for any person or persons, having possession or control of stock owned outside of the County of Calaveras, to drive or herd the same upon the land of any qualified homestead or preëmption claimant within said county, except in the following case: Stock in transit may be driven over or herded upon the uncultivated and unfenced land of a qualified homestead or preëmption claimant in said county; *provided*, that said stock, in passing over said land, is driven at the rate of at least three miles per day.

Stock on route.

SEC. 4. Every person violating the provisions of section three of this Act is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than ten dollars, and costs of the action, for such offense, and shall be imprisoned in the County Jail until such fine and costs are paid, such imprisonment not to exceed three months.

Misdemeanor.

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

CHAP. DCIV.—*An Act to authorize the Board of Education of the City and County of San Francisco to provide for the support of the common schools of said city and county.*

[Approved April 3, 1876.]

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

Board of Education to estimate amount of expenses for year.

SECTION 1. It shall be the duty of the Board of Education of the City and County of San Francisco, on or before the second Monday of September in each year, to report to the Board of Supervisors of said city and county an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in said city and county, specifying the amount required for supplies furnished to pupils, for purchasing and procuring sites, for leasing rooms or buildings, or erecting buildings, and for furnishing, fitting up, altering, enlarging, and repairing the buildings and premises under their charge, for the support of schools which shall have been organized by the Board since the last annual apportionment, for salaries of teachers, janitors, clerks, and other employés of the Board, and for such further sum or sums as may be necessary for any of the purposes authorized by this Act; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionments. The number of pupils who shall be considered as having attended the schools during any one year shall be ascertained by adding together the number of days' attendance of all the pupils in the common schools during the year, and dividing the same by the number of school days in the year. Said Board of Supervisors are hereby authorized and empowered to levy and cause to be collected, at the time and in the manner of levying State and other city and county taxes, the amount of tax, not to exceed thirty-five dollars per pupil, determined and reported by the Board of Education. The amount so levied and collected by said Board of Supervisors shall not include the amounts annually received from poll-taxes.

Supervisors to levy and collect tax.

Deficiency.

SEC. 2. The Board of Education of the City and County of San Francisco is hereby authorized to order paid, out of the School Funds for the fiscal year eighteen hundred and seventy-six [and] eighteen hundred and seventy-seven, any deficiency which may arise in the School Fund during the fiscal year eighteen hundred and seventy-five-seventy-six; provided, the amount of said deficiency so ordered paid shall not exceed the sum of one hundred thousand dollars.

Auditor to allow.

SEC. 3. The Auditor of the City and County of San Francisco is hereby authorized to audit all duly signed warrants issued and ordered paid by said Board of Education, covering the deficiency mentioned in section two of this Act.

SEC. 4. The Treasurer of the City and County of San Francisco is hereby authorized to pay out of the School Fund in his hands, for the fiscal year eighteen hundred and seventy-six-seventy-seven, all duly issued and audited warrants drawn to cover the deficiency mentioned in sections two and three of this Act.

Treasurer to pay.

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

CHAP. DCV.—*An Act to provide for the collection of delinquent taxes in the City and County of San Francisco.*

[Approved April 3, 1876.]

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

SECTION 1. The assessment of taxes upon all property, both real and personal, excepting solvent debts, in the City and County of San Francisco, whether for State or city and county purposes, for the fiscal year eighteen hundred and sixty-eight and sixty-nine, ending on the thirtieth day of June, A. D. eighteen hundred and sixty-nine, as equalized by the Board of Supervisors of said city and county, sitting as a Board of Equalization in said fiscal year, is hereby legalized and confirmed, and rendered valid and binding, both in law and in equity, against the persons and property assessed, and the duplicate assessment roll of said city and county, for said fiscal year, shall be prima facie evidence of such assessment.

Assessments for 1868-9 legalized.

SEC. 2. The Board of Supervisors of the City and County of San Francisco is hereby authorized to employ special counsel to commence civil [action] in the name of "The People of the State of California," in any of the District Courts of said city and county; whether the defendant be a resident of said city and county, to recover unpaid taxes in said city and county, for the fiscal year mentioned in the last section hereof, or to take any proceedings under the existing laws for the recovery of the unpaid taxes for said year. In all actions commenced under the provisions of this Act, the complaint shall designate the amount of taxes due and unpaid for State and city and county purposes, separately, and shall state the kind and quantity of property assessed, both real and personal, and if real, describe the same; and the defendant shall not be allowed to set up or show any informality in the levy or assessment as a defense, such defendant being allowed only to plead :

Counsel to commence action for recovery of tax.

Defendants may plead :

First—That the taxes have been paid before suit; or,

Second—That defendant was not the owner of the property mentioned in the complaint, at the time of the assessment, and had no assessable interest therein at the time of the assessment; and no answer shall be filed in any such case unless the same be verified by oath.

Delinquent
list to be
evidence.

SEC. 3. The delinquent tax list for said fiscal year, duly certified by the proper officers, shall be delivered to the special counsel employed by the Board of Supervisors, under the provisions of this Act, and the said delinquent list, or the original or duplicate assessment roll, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessments of such taxes have been complied with; and neither the delinquent tax list nor assessment roll need be filed in any case.

Judgments

SEC. 4. Judgments rendered in such cases in the District Court shall be docketed and become liens upon all the property of the defendants liable to taxation, and may be enforced against the same.

Code ap-
plied; deed,
title, etc.

SEC. 5. The Code of Civil Procedure of this State, so far as the same is not inconsistent with the provisions of this Act, is hereby made applicable to proceedings under this Act; any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or pre-payment of the taxes, and shall entitle the holder thereof to a writ of assistance from any District Court in said city and county to obtain possession of such property; *provided*, that the Sheriff, in selling said property, shall only sell the smallest quantity that any purchaser will take and pay the judgment and all costs. All moneys collected under the provisions of this Act, except as hereinafter provided, shall, without delay, be paid to the Tax Collector of said city and county, to be distributed in the proper funds; and each collection, and the date thereof, shall be entered opposite the proper name of property in the delinquent tax list, which shall be open to public inspection.

Unknown
owners.

SEC. 6. If the name of the owner of any property upon which the taxes remain unpaid be unknown, or if the same has been assessed to an unknown owner, the person liable to pay the taxes thereon may be sued by a fictitious name and the summons be served in such manner as the Court may direct, and a deed derived from the sale of such property, under the provisions of this Act, shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name.

Interest.

SEC. 7. There shall be collected on all taxes delinquent for said fiscal year, mentioned in section one hereof, interest at the rate of two per cent. per month from the time such taxes became delinquent.

Attorney's
fees.

SEC. 8. The special counsel employed by the Board of Supervisors, under the provisions of this Act, shall be entitled to receive and retain, as compensation for his services, ten per cent. of all moneys collected under the provisions of this Act.

Complaint
must show

SEC. 9. In any suit commenced, it shall not be necessary to set forth in the complaint the proceedings of officers as to the assessment, equalization, or levy of taxes; but it shall be sufficient to allege generally that the tax, naming the amount,

was duly assessed upon the property, specifying the same, and that all the forms of law, in reference to the equalization of the taxes and the levy thereof, had been duly complied with.

SEC. 10. All officers shall perform such service as may be required of them under this Act, without the payment of fees in advance; but they may charge and receive, to the use of said city and county, such fees as are allowed for similar service in other cases; *provided*, such fees are collected of the defendant; and in no case shall the State or city and county be liable for services rendered under this Act. Fees of officers named.

SEC. 11. This Act shall be in force and take effect from and after its passage.

CHAP. DCVI.—*An Act to authorize the compromise of certain litigation concerning a portion of the water-front of the City and County of San Francisco.*

[Approved April 3, 1876.]

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

SECTION 1. The Governor, the Mayor of the City and County of San Francisco, and the Board of State Harbor Commissioners, are hereby authorized to act as a Board of Arbitration, to compromise and settle with the claimants of the premises situate between Jackson and Pacific Streets, and outside of the line of the water-front of the City and County of San Francisco, as established by the Act of the Legislature, entitled "An Act to provide for the disposition of certain property of the State of California," approved March twenty-sixth, eighteen hundred fifty-one. The settlement and compromise must embrace the whole of the premises, or none. Board of Arbitration to compromise.

SEC. 2. Upon such compromise and settlement being made, and upon the execution and delivery to the Board of State Harbor Commissioners of proper deeds of conveyance to the State of California of the said premises, free of all incumbrances, and surrender of possession of the same to the said Board, they, or a majority of them, shall certify in writing, to the Controller of State, the amount to be paid to the several claimants, and the fact of the execution and delivery of such deeds and surrender of possession of the premises; and thereupon, the Controller must draw his warrant or warrants on the State Treasurer in favor of the person or persons named in said certificate, and on the presentation of such warrants to the State Treasurer, he shall pay the same out of the San Francisco Harbor Improvement Fund; and sufficient of said fund is hereby appropriated for that purpose. Upon settlement, Controller to draw warrants. Payment, from what fund.

SEC. 3. The said settlement and compromise, and the execution of the deeds and delivery of possession of the premises, shall be made within six months after the passage of this Act, or the authority thereby granted shall cease. When deeds to be given.

SEC. 4. All proceedings for the recovery of the said premises must be stayed until the expiration of said six months.

SEC. 5. Nothing in this Act shall be construed as a recognition by the State of California of any title in said claimants, or either of them, to any part of the said premises.

SEC. 6. [This] Act shall take effect from its passage.

CHAP. DCVII.—*An Act concerning the Burlingame Treaty.*

[Approved April 3, 1875.]

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

Appropriation of moneys for expenses of Commission.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, out of any moneys in the General Fund of said city and county not otherwise appropriated, a sum not exceeding five thousand dollars, to be used in defraying the expenses of a delegation of citizens, irrespective of their political proclivities, to be appointed by the Mayor, and to be approved by said Board, to proceed to Washington, D. C., to solicit such action on the part of the Federal Government as shall modify the Burlingame Treaty, so as to prevent the immigration of certain classes of Chinese under its provisions, whose arrival in our midst is detrimental to the moral and material interests of our own people.

SEC. 2. The Auditor of said city and county is hereby authorized to audit, and the Treasurer to pay, the amount named in section one of this Act, in the same manner as demands on the treasury are audited and paid.

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

CHAP. DCVIII.—[See volume of *Amendments to the Codes.*]

CHAP. DCIX.—*An Act to amend an Act entitled an Act to fix the salaries and compensation of certain officers of Butte County, approved March twenty-seventh, eighteen hundred and seventy-four.*

[Approved April 3, 1876.]

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

Salaries and mileage of Supervisors.

SECTION 1. Section two is amended to read as follows:
SECTION 2. Each member of the Board of Supervisors shall

receive the sum of five dollars per day for each day necessarily employed, and said member shall, in addition thereto, be allowed a mileage of thirty cents per mile, in traveling from the place of their residence to the Court-house; *provided*, that the per diem of any member of the Board of Supervisors shall not exceed six hundred dollars per annum, inclusive of their duties as ex officio Directors of the County Infirmary.

SEC. 2. Section three is amended to read as follows: Section 3. The County Recorder shall be ex officio County Auditor, and shall receive a salary of three thousand dollars per annum, payable quarterly out of the county treasury, for all duties required of him by law as County Recorder and ex officio County Auditor; *provided, however*, that the County Recorder may retain for his own use and benefit all the fees or compensation accruing to his office, from the searching of records, making abstracts of titles, and acknowledging of all instruments of writing which he is competent to make.

Salary and fees of Recorder and Auditor.

SEC. 3. Section eight is amended to read as follows: Section 8. The Board of Supervisors of Butte County are hereby empowered to authorize the District Attorney of said county to appoint a deputy, who shall reside at Chico, and receiving, as a compensation for his services, a salary not to exceed fifty (\$50) dollars per month, which shall be paid in the same manner as the District Attorney is now paid.

Deputy Attorney, salary of.

SEC. 4. This Act shall take effect immediately.

CHAP. DCX.—*An Act to provide funds for road purposes in the County of San Luis Obispo.*

[Approved April 3, 1876.]

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

SECTION 1. The Board of Supervisors in the County of San Luis Obispo are hereby authorized and directed to issue bonds of the said county to the amount of seventy thousand dollars, bearing interest at the rate of eight per cent. per annum, in sums of not less than five hundred dollars nor more than one thousand dollars each. Said bonds shall be issued as follows, to wit: Twenty thousand dollars as soon as practicable after the passage of this Act, twenty thousand dollars in ninety days after the issuance of the first bonds under this Act, and thirty thousand dollars in six months after the issuance of the first bonds under this Act. The said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said county.

Supervisors to issue bonds.

SEC. 2. The said bonds shall be due and payable in the gold coin of the United States, at the office of the Treasurer of the said county, in the following order, to wit: the first

Bonds and interest, when payable.

issue of bonds, in fifteen years, the second issue of bonds, in twenty years, and the third issue of bonds, in twenty-five years from the date of their issuance, respectively; and the said Board shall have the power to redeem the said bonds in the manner and at the times hereinafter described and mentioned. The interest on said bonds shall be due and payable in like gold coin as the said bonds, on the first day of January and July of each year, at the office of the Treasurer of the said county.

Coupons.

SEC. 3. Coupons for the interest must be attached to each bond, and must be signed in the same manner as the bonds are required to be signed. Each of the said coupons shall be for the semi-annual interest on the bond to which it is attached, and must bear on its face the number of its bond, the date when it will be due, and the amount of interest to be paid. When the semi-annual interest upon a bond shall be paid, the coupon for the interest paid shall be detached and delivered to the Treasurer of the county, who must, after canceling the same, deliver it to the County Auditor and take his receipt for it, and the Auditor must file and safely keep in his office all coupons so delivered to him.

SEC. 4. The said bonds shall bear the dates of their issuance, and the first coupon shall be for the interest from such date up to the first day of January or July next after their issuance.

Sale of
bonds notice
to bidders

SEC. 5. The Board of Supervisors of the said county shall, immediately after the several issues of bonds in pursuance with the provisions of this Act, advertise in all the newspapers printed and published in the said county, and in one daily newspaper printed and published in the City and County of San Francisco, for not less than one month, the fact of intention to offer for sale to the highest bidder, in gold coin, a specified amount of said bonds, and the said advertisement shall state particularly the time, place, number, and amount of bonds to be offered for sale. Upon the day named in the said advertisement, the said Board of Supervisors must meet to open and consider such bids or proposals as may have been made for the purchase of bonds, and must award the purchase of bonds to the highest bidder, in gold coin; *provided*, that if the bid of the highest bidder does not equal in amount all the bonds offered for sale, then, and in that case, the said Board may award the purchase of the remaining bonds, to be sold at that particular time, to the next highest bidder, in accordance with this section; *provided*, that no bonds may be sold for a less sum than ninety-five per cent. of the par value of said bonds. The said Board may sell any portion of the said bonds at private sale, at a rate not less than ninety-five per cent. on the dollar par value, without giving public notice of such sale, but in case of any number of bonds being sold at private sale, a publication of the number of bonds sold, to whom sold, and the price received, must be published once, in at least one paper printed and published in said county. The bidder or bidders whose proposal is accepted by the said Board shall pay into the county treasury of the said county, in gold coin of the United

States, the amount bid by them for the purchase of bonds, and shall take the County Treasurer's receipt for the money so paid, and upon the delivery of the said receipt to the Clerk of the said Board, they shall be entitled to receive the bonds purchased under their bids.

SEC. 6. The money derived to the said county from sale of bonds, in pursuance with the provisions of this Act, shall be paid into the county treasury to the credit of a special fund to be known as the "Special Road Bond Fund," and shall be used in the improvement and betterment of the public roads now in use in said county, as is more particularly specified in this Act, and for the laying out and building such new roads as are herein named, and for such other work as the said Board may consider necessary and expedient.

Proceeds of sales, how applied.

SEC. 7. The Board of Supervisors of the said county are hereby authorized and directed to levy annually, at the time and in the manner provided by the general revenue laws of this State for general county purposes, a tax on the assessed valuation of the property in said county sufficient to pay the interest on said bonds; and on and after the year eighteen hundred and eighty-six, ten per cent. of the principal of said bonds; and the County Treasurer of said county is hereby directed to set apart, of the money so raised as aforesaid, an amount sufficient to pay the interest, and also an amount sufficient to pay, each and every year, on and after the said year eighteen hundred and eighty-six, A. D., a sum sufficient to pay one-tenth part of said bonds, and the money so set apart shall be designated and known as the "Special Road Bond Sinking Fund," and shall not be used in any other way or for any other purpose than above specified.

Bond sinking fund.

SEC. 8. Not less than two weeks before the first day of January, A. D. eighteen hundred and eighty-seven, and each and every year thereafter, the Board of Supervisors of the said county shall give public notice, by publication in not less than one paper, printed and published in the said county, and in other papers, if in the opinion of the said Board such additional published notice is expedient or necessary, that they will redeem a specified amount of the bonds issued under the provisions of this Act. Said published notice shall invite sealed proposals for the surrender of bonds, in accordance with the said notice, at the time and place to be set forth in the said publication and notice aforesaid. The County Treasurer of the said county shall, in the presence of the Board of Supervisors and such other persons as may desire to be present, open the sealed proposals for the surrender of bonds, in accordance with the aforementioned published notice, and the said Board may accept only such bids as will redeem the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a higher rate than one hundred cents on the dollar. If, at the time set forth in the published notice mentioned in this section, no proposals have been offered for the surrender of bonds, in accordance with said notice, the said Board must give notice by publication, in the same manner as is provided for on notice of

Redemption of bonds.

intention to redeem bonds, that they are prepared to redeem certain bonds, which bonds shall be designated in said notice by number consecutively, and by date, commencing at the lowest number and farthest date of such bonds as are not redeemed; and no interest shall be payable on any bonds so published, after ten days from and after the date of the first published notice.

Record of
bonds.

SEC. 9. The Clerk of the Board of Supervisors of the said county shall keep a register, in which shall be kept a correct record of all the bonds issued under this Act. The said record shall show the number and amount of said bonds, and date of issuance, and date of sale, the number and amount of coupons, when the interest, as due, is paid, and the number and amount of bonds redeemed, and time of redemption, and bonds published as being redeemable, and such other matter as may be pertinent or necessary in such record.

Apportion-
ment of
proceeds.

SEC. 10. The money derived to the County of San Luis Obispo from the sale of the bonds issued under this Act, must be used as is provided in this Act; *provided*, that the sums named, to be paid for the improvement or construction of the several roads mentioned in this Act, shall be considered as the proportionate amount to be paid to the several roads as named, out of the money remaining after the necessary expenses of issuing the said bonds and payment of discount on the bonds has been made; that is to say, as the amount apportioned to the several roads named is to the total sum of the bonds, so shall be the amount of money paid to the amount of money realized from the sale and discount of bonds.

Same

SEC. 11. There shall be paid for the improvement or construction of the following-named roads the several amounts as named in this section, to wit: For the Cambria and Paso Robles public road, fifteen thousand dollars; for the Cambria and San Simeon public road, two thousand dollars; for the Cambria and San Luis Obispo public road, three thousand dollars; for the Old Creek and Paso Robles public road, five thousand dollars; for the public road intersecting the Cambria and Paso Robles and the Old Creek and Paso Robles public roads, at or near the Josephine Post-office, seven hundred and fifty dollars; for the proposed new public road from Morro to the main stage road, in the Salinas Valley, five thousand dollars; for the Morro and Cañada de los Osos public road, seven hundred and fifty dollars; for the San Luis Obispo and Avila public road, two thousand dollars; for the San Luis Obispo and Guadalupe public road, eight thousand dollars; for the building of a bridge across the Paso Robles Creek, on the main stage road, a sum not to exceed two thousand dollars; for the proposed public road from the main stage road in the Salinas Valley to Bakersfield, in Kern County, ten thousand dollars; the balance of money remaining, after the payment of the several amounts as herein named and enumerated, shall be placed in the county treasury, to the credit of the "General Road Fund," and must be used:

Surplus
funds.

First—In payment of the outstanding warrants which may have been drawn against the said fund, and for the payment of which there exists an obligation.

Second—In payment of such general work upon the various public roads of the said county as may, to the said Board, appear expedient or necessary.

SEC. 12. Before any of the money appropriated to the several roads named in this Act shall be used in payment for the construction or improvement of roads in said county, the Board of Supervisors must select and appoint a competent civil engineer or surveyor, who shall examine the particular road intended to be improved or made, and make an estimate of the cost of building or improving the particular road, the said estimate to be for all work, such as grading, bridging, making culverts, and any other work necessary to make a good and useful first-class wagon road; and said engineer must be required to report, under oath, to the said Board, within a specified time, of the estimated cost, together with estimates and specifications as to work to be done. The Board may pay to the said engineer, for his services, such sum as to them may seem just and right; in every case payment to be made from the amount of money apportioned to the particular road upon which the said engineer's estimate and specifications have been made.

SEC. 13. As soon as practicable after the receipt of the said engineer's report, the said Board must advertise, for at least three weeks, in all the newspapers printed and published in the said county, for proposals to do the work upon the particular road named in the advertisement, in accordance with the estimates and specifications of the engineer above mentioned; the said advertisement must state the road upon which the work is to be done, the length of road to be made, and must state that the Board reserves the right to reject any and all bids. At the time named in the said advertisement, the Clerk of the said Board, in the presence of a majority of its members, must open all proposals that may have been received for doing the work on the road named in the said advertisement, and said Board must award the contract to the lowest bidder; *provided*, that no contract shall be let to any person for a sum in excess of ninety per cent. of the amount of money in the said Special Road Bond Fund, to the credit of the particular road to be made or improved. The said Board must require from the person to whom the award is made, a bond, with good and sufficient sureties satisfactory to the said Board, in a penal sum of not less than fifty per cent. more than the sum named in his proposal for doing the work on the particular road. All work on any contract under this Act must be done within six months from the date of the contract, but the Board of Supervisors may require the work on any contract to be done in less time than six months, if, in their judgment, the work can or ought to be done in less time.

SEC. 14. The Board of Supervisors may, from time to time, during the progress of the work under any contract under this Act, pay such part of the contract price as may to them appear just and right; *provided, however*, that they

Supervisors to appoint engineer.

Board to receive proposals.

Award of contract.

Payments to contractor.

must retain twenty per cent. of said contract price for building or improving any road under this Act, until the work is completed and the road accepted by the said Board. The acceptance of the said Board shall be given upon the certificate of the engineer above named, that the work has been well and fully performed according to the terms of the contract, and upon such certificate, made in writing, the remaining twenty per cent. of the contract price shall be paid.

Purchase of
private
roads.

SEC. 15. If, upon the certificate of the said engineer, it shall appear to the Board of Supervisors that the best interests of the people will be promoted by the purchase of the whole or any part of any road lying or being upon the general route of any one of the roads named in this Act, and which road is now owned or being constructed by any private corporation or individuals, the said Board may purchase such part as is, in their opinion, best or necessary; *provided*, that no greater sum may be paid for any such private road than is equal to ninety per cent. of the sum of money in the Special Road Bond Fund, to the credit of the road to which such private road may be parallel.

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

CHAP. DCXI.—*An Act amendatory of and supplementary to an Act entitled "An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo," approved March twenty-ninth, eighteen hundred and seventy.*

[Approved April 3, 1876.]

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

Per diem and
mileage of
jurors.

SECTION 1. Section fourteen of the above-mentioned Act is amended so as to read as follows: Section 14. Grand and trial jurors shall receive two dollars and fifty cents per day for attendance upon a Court of record, with mileage at the rate of twenty cents per mile for each mile traveled in going from their residence to the county seat of the said county. No juror shall be entitled to any per diem if he be excused upon the first day of the term, upon his own motion, but shall be entitled to mileage, as provided by this section. Every juror, upon being excused for the term by the Court, shall be entitled to receive from the County Clerk a certificate, under seal, of the number of days served and number of miles traveled as such juror; and upon presentation of the said certificate to the County Auditor, he shall be entitled to receive a warrant upon the County Treasurer, payable out of the General Fund of the county, for the amount due him, according to the receipt above named. In civil cases, the party in whose favor a verdict is rendered, before the same be entered, shall pay the jury fees, but the same may be

recovered as costs from the party losing the case. If, in any trial in a civil case, the jury be from any cause discharged without finding a verdict, the fees shall be paid by the party demanding a jury, but may be recovered as costs if he afterward obtain judgment, and until they are paid no further proceedings shall be had in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, without mileage, to be taxed against the party losing the suit. No persons shall receive fees for serving on a Coroner's jury, or in a criminal case before a Justice of the Peace.

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

CHAP. DCXII.—*An Act to incorporate the Town of Livermore, Alameda County.*

[Approved April 1, 1876.]

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

SECTION 1. The people residing within the boundaries of that tract of land in Murry Township, in Alameda County, described in section two of this Act, are hereby constituted a body politic and corporate, by the name of the "Town of Livermore;" and by that name shall have perpetual succession, may sue and be sued in all Courts and in all actions whatsoever, and shall have and use a common seal, and alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

SEC. 2. The boundaries of said town shall be as follows: Commencing at the southeast corner of the north half of the northwest quarter of section nine, township three south, range two east, Mount Diablo base and meridian; running thence along the southerly line of said north half of the northwest quarter of section nine, township three south, range two east, and along said line produced, one and one-fourth miles to a point; thence southerly, and at right angles to said last-named line, one and one-fourth miles, or thereabouts, to a point in the southerly line of plot eighteen of the Rancho El Valle de San José, as defined and laid down in the final decree of the partition of said rancho; thence easterly and along said last-named line one and one-fourth miles to a point; thence northerly in a direct line to the point of commencement.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members; an Assessor, a Marshal, who shall be ex officio Tax Collector; and a Clerk, and a Treasurer.

SEC. 4. Said Board of Trustees, Assessor, and Marshal,

shall be elected by the qualified electors of said town on the second Monday in May of each year, and shall enter upon their duties upon the first succeeding Monday thereafter; and they shall hold their offices for one year, and until their successors are elected and qualified. Said Board of Trustees shall appoint said Clerk and Treasurer, and shall have the power to remove and put others in their stead, when in their judgment the interest of the town may require it.

Town
elections.

SEC. 5. All elections held under the provisions of this Act shall be in accordance with the general election laws of this State. All the duties of an Election Board, which are or may be prescribed by the statutes of the State regulating and governing elections, shall be performed by the Board of Election of said town, who shall be appointed by the Board of Trustees of said town, and have the same power as a Board of Election under the general laws of the State. When the returns shall have been completed, they shall be sealed and delivered by the Board of Election to the Town Clerk, who shall safely keep the same, not allowing any person to open said returns, and deliver them to the Board of Trustees at their meeting on the first Wednesday subsequent to the election. The Board of Trustees shall meet on the first Wednesday subsequent to the election, and duly canvass the election returns, in the manner prescribed by the general election laws of the State, declare the result, and direct the Town Clerk to issue certificates of election to the persons elected; *provided*, that the notice of the first election of officers of said town must be given by the County Judge of the County of Alameda, by publishing the same in a newspaper published in said county, three weeks successively, which said notice shall designate the time when said election will be held, the boundaries of said town, the officers to be elected, the polling-places, and the officers of election. The returns of said first election must be to said County Judge, who must count and declare the vote, and issue the certificates of election.

Clerk and
Treasurer.

SEC. 6. The Board of Trustees shall meet on the first Monday after their election, qualify, and choose a President from their number, and appoint a Town Clerk, and a Treasurer. The time and place of holding their stated meetings shall be as provided by ordinance, and they may be convened by the President at any time, by written notice, delivered to each member, and all meetings of the Board shall be within the corporate limits of the town, and shall be public. In case the Clerk shall not be present the President may appoint one of their number as Clerk pro tem.

Trustees'
meetings.

SEC. 7. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously, by ordinance, may have prescribed.

Powers and
duties of
Trustees.

SEC. 8. The Board of Trustees shall judge of the qualifications of their own members, and of all election returns, except of the first election herein provided for, and determine

contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question and entered on the journal.

SEC. 9. The Board of Trustees shall have power within said town :

Powers and duties of Trustees.

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State or the United States.

Second—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, under the limitation hereinafter presented by this Act.

Water supply.

Third—To lay out, alter, open and keep open, and repair the streets, sidewalks, and alleys of the town, and determine the width and grade of all streets and sidewalks in the town, and to set out, and cause to be set out and cultivated, shade-trees along said streets, and to regulate and direct the planting of the same.

Repair, etc., of streets.

Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire.

Fires.

Fifth—To levy and collect annually a tax not to exceed one-half of one per cent. on the assessment valuation of all property, both real and personal, within the limits of the town.

Annual tax.

Sixth—To impose and collect a road poll-tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one and less than sixty years, and no other road poll-tax shall be collected within the limits of the Town of Livermore.

Road poll-tax.

Seventh—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town, and no other dog tax shall be collected within the limits of said town.

Dog tax.

Eighth—To provide for the draining, the establishing of grades, improvements, repairs, and lighting of the streets, and the construction of sidewalks, drains, and sewers, and the keeping of the same in repair; to prevent the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort, and safety, and to provide for the prevention and regulation of contagious disease; to suppress or regulate the erection of soap, glue, or tar-works; to suppress and prohibit gambling-houses, and all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals, and contrary to public order and decency.

Sewers, drains, nuisances, etc.

Ninth—To regulate the erection of steam-boilers and engines, and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

Steam boilers.

Tenth—To prevent the leaving of any animals upon any street, alley, or lane within the limits of the town, without

Animals and placards.

securely fastening the same; also, to prevent the hitching or fastening of any animals to, or to prevent the posting of any notice or placard upon, or otherwise defacing or injuring any lamp-post, or hydrant, or any tree upon any highways of the town, or any case or box around such tree.

Immoral actions, etc.

Eleventh—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person therein, and to prevent any person or persons from behaving in an indecent or lewd manner, or making any indecent exposure of his person, or performing any indecent, immoral, or lewd play or representation, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder, or tumult, to the disturbance of the public peace.

Fire-arms

Twelfth—To prevent the discharge of fire-arms, pistols, or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse, or other animals, on the highways within the town; to prevent any sport or exercise upon the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd.

Public grounds

Thirteenth—To provide for inclosing, improving, and regulating all public grounds at the expense of the town.

Licenses

Fourteenth—To license, tax, and regulate all such business and employments as the public good may require, and as may not be prevented by law, and fix the terms and price thereof; *provided*, that the proceeds of all licenses issued to persons doing business within the Town of Livermore shall be paid into the town treasury for the use of said town, and it shall be unlawful for any county officer to collect any such license within the said town.

Railways.

Fifteenth—To permit the laying of railroad tracks, and the running of cars, drawn by horses or steam, thereon, and to regulate the same.

Buildings.

Sixteenth—To erect, purchase, or lease proper buildings for a fire department.

Police.

Seventeenth—To provide for the good order of the town, and to appoint special policemen when deemed necessary, to preserve the public peace.

Eighteenth—To purchase, hold, and maintain a fire engine, and such implements for the prevention and extinguishing of fires as may be necessary.

Trespass.

Nineteenth—To prevent horses, mules, jacks, jennets, cattle, goats, sheep, and swine from running at large, being picketed, or herded upon the streets, alleys, lanes, or public grounds within the limits of the town.

Public pound.

Twentieth—To establish a Pound and a Pound-keeper, and describe his duties; and to provide for a public sale by the Pound-keeper of such animals as shall be impounded, in the same way, and upon like notice, that personal property is sold by execution under the laws of the State; *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded to reclaim the same at any time before the sale, upon payment of cost and

charges of taking up and impounding, and damages, if any ; and, within thirty days after the sale, shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of taking up, impounding, and selling, and damages, if any, and upon the payment of the sum of one dollar to the said Justice as a fee for the investigation of ownership, and for his certificate to that effect, the purchase money arising from such sale or sales.

Twenty-first—To provide for the lighting of such streets and buildings belonging to or in use by the town as may be necessary ; *provided*, that no contract for lighting any street shall be let for a longer period than five years. Lighting streets.

Twenty-second—To offer and pay rewards for the arrest and conviction of persons charged with crime. Rewards.

Twenty-third—To prescribe and fix such penalties for the violation of any of the provisions of this Act as are not otherwise provided for. Penalties

Twenty-fourth—To erect, purchase, or lease a building necessary for the public meetings of the Board of Trustees ; also, a suitable building for an engine-house, and a structure suitable for a town prison ; *provided*, that the amount expended for the construction of buildings shall not exceed two thousand dollars in any one year ; *and provided further*, that the amount expended for leasing shall not exceed five hundred dollars in any one year. Public buildings.

Twenty-fifth—The Board of Trustees shall have power to order, in the general municipal election, on like notice, and in the same manner as the other officers are elected, one or more Justices of the Peace, and one or more Constables, to hold office for one year, and until their successors are elected and qualified. Justices and Constables

Twenty-sixth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the power herein granted. Ordinances.

Twenty-seventh—They shall fix by ordinance, each year, the rate per cent. of taxes to be levied and collected for current expenses ; *provided*, that no tax to be levied for any one year shall exceed one-half of one per cent. on all the taxable property in said town. Tax rates.

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars, nor imprisonment exceeding thirty days, for any one breach of any ordinance, shall be imposed on any one person. Any Justice of the Peace residing within the limits of said town shall have jurisdiction to hear and try all cases for the violation of ordinances, and to render a judgment of fine or imprisonment, or both, within the limits prescribed by the ordinance. All suits for the violation of any ordinance shall be in the name of the people of the State of California. Fines may be collected by execution. In case judgment, directing the payment of a fine, be rendered, the Justice may further direct that, in case the defendant fail Fines and punishments.

to pay, the same, he shall be imprisoned until the same be paid, not to exceed one day for every one dollar of the fine. Persons living within the limits of the town shall be competent jurors, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission so to do such officer may be proceeded against upon his official bond in the name of the town, in the manner authorized by law, on the failure of officers to pay over money collected when so required. Said Justice must also add cost of suit to the fine.

Opening of streets, petitions for.

SEC. 11. *Article One*—Whenever a petition shall be presented to the Board of Trustees of the Town of Livermore, signed by twenty resident owners of real estate in said town, to open any street already established, and sought to be extended, or open any new street, it shall be the duty of said Board to examine into said matter, and if, in the opinion of four-fifths of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, that the convenience of the public will thereby be promoted, they may, by resolution, direct an engineer to furnish a map of the said proposed improvement, and of the premises to be affected thereby, a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer.

Engineer to make map.

Article Two—It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement, to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portion owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board.

Objections, hearing of.

Article Three—Upon receiving said map and returns from said engineer, the said Board shall forthwith give notice of not less than five days, by publication in a newspaper, if there be one published within said town; if there be no newspaper published in said town, then by posting notice at the place of meeting of said Board, and at three other public places in said Town of Livermore, of the time and place where they will hear all parties desiring to show cause against said improvements. At the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but such adjournment shall not, in the aggregate, exceed seven days, the Board shall proceed with such hearing.

When no objection, Commissioners to assess damages, etc

Article Four—If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvement should be made, they shall elect by ballot three Commissioners, residents and property-owners in said town, not interested, directly or indirectly, in the proposed improvements, or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvements. Within two days thereafter, said Com-

missioners shall give notice of time and place where they will proceed to examine the property to be affected by such improvements, by an advertisement for three days in a newspaper published in said town, if there be a newspaper published therein, and if not, by posting notices at the place of meeting of the Board and at three other places in said town. At the time and place named, they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of the owners therefor. They shall then assess upon the property to be benefited by such improvements, a sum sufficient to pay the whole amount of said damages, and fees and expenses of said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited, in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witness that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after the apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of all assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid.

Commissioners to report.

Article Five—Upon receiving such report, said Board may, by ordinance, levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien on said several parcels of property, severally, and shall not be removed until said tax is paid. Immediately after levying such a tax, they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amount severally due from each to the Town Marshal within ten days from the first publication of said notice. At the expiration of said ten days, they shall issue to the Town Marshal a warrant, to be signed by the President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fee for collection, from the property upon which the same is a lien, as aforesaid, and shall thereupon deliver the same to said Marshal.

Board to levy tax.

Article Six—Upon receiving said warrant, the Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien, in the same manner and with the same authority as sales on execution for Sheriff, and return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If, for any reason, the whole amount thereof shall not be collected, said Board may issue, with like effect, a subsequent warrant or warrants, until all be collected.

Marshal to collect same.

Payment of
damages.

Article Seven—As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded, the sum severally due them, and thereupon to proceed forthwith and open said street or other improvement, and the same shall thereupon be deemed to be open to public use for the purpose and to the extent in the original resolution prescribed. If any person or party entitled to damages cannot be found by said Marshal, he shall deposit the amount due to them in the town treasury as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever.

Moneys, how
applied.

Article Eight—All moneys collected under this Act shall be paid into the town treasury as a special fund for the purpose for which they were collected, and shall not be drawn out or used for any other purpose whatever.

Per diem,
etc., of Com-
missioners

Article Nine—The engineer aforesaid, and the Commissioners to be appointed as herein prescribed, shall each have the right to go in or upon any property for the purpose of making the survey and examination above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

Grading,
macadamiz-
ing, etc.,
costs, how
assessed.

SEC. 12. The Board of Trustees of the town shall, have power, and are hereby authorized to order the whole or any portion of the streets, lanes, alleys, places, courts, and public grounds of the town graded or regraded, curbed or recurbed, macadamized or remacadamized, paved or repaved, and to order sidewalks, crosswalks, culverts, sewers, cess-pools, man-holes, and hydrants constructed therein, and to order any other work done which shall be necessary to make and complete, and keep the same in good repair, and to order the streets, and sidewalks, and public grounds kept free from grass and weeds, and to order shade-trees planted and taken care of along the line of the streets and in the public grounds; and the costs of making such improvements shall be made a lien upon the lots and land fronting upon the streets where such improvements shall be made, and contiguous thereto, as specified in the succeeding sections of this Act.

Same.

SEC. 13. *Article One*—The Board of Trustees may order any of the work authorized by section twelve of this Act to be done, and furnish plans and specifications for the same, after notice of their intention so to do in the form of a resolution describing the work, and signed by the Clerk of said Board, has been posted on three town bulletin boards for at least five days, and by one insertion in some newspaper, if there be one published within the town. After the posting, and before the expiration of such notice, all owners of lands, and lots, or portions of lots fronting on said proposed improvements, who may have objections to any of the subsequent

proceedings of the said Board in relation to the work mentioned in such notice of intention, may file with the said Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such remonstrances shall be passed upon by said Board, and their decision shall be final. But if such remonstrance shall represent three-fourths of the frontage on the proposed improvements, and shall have been filed with the said Clerk previous to the expiration of said notice, then it shall be a bar to any further proceedings in relation to said work for a period of six months, unless the owners as aforesaid shall sooner petition for the same to be done; *provided*, that one-half or more in width or in length of any street, lying and being between two street crossings, have been already improved, said Board may order the remainder improved, notwithstanding the objection of property owners fronting thereon.

Article Two—When the Board of Trustees shall have ordered improvements made, as provided in the preceding article, if they deem it best they may set a time in which the owners or occupants of lands and lots fronting on the street where the improvements are ordered made, may make the same in front of their respective lots and premises, in accordance with the plans and specifications furnished therefor by said Board. But if in the judgment of the Board they shall deem it best, they shall cause notices, signed by the Clerk, to be posted forthwith on the town bulletin boards, for at least five days, and also be inserted one time in some newspaper, if there be one published within the town. Said notice shall describe the improvements to be made, and the time within which sealed proposals will be received by said Clerk for the making of said improvements, in accordance with the plans and specifications therefor. At the time specified in said notice, the Board of Trustees, in open session, shall open and examine all bids which shall have been received by the Clerk, and publicly declare the same, and award the work to the lowest responsible bidder; *provided*, they may reject any or all bids, as the public good may in their opinion require, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with the town; and if all bids are rejected the Clerk shall readvertise as aforesaid.

Same, proposals for.

Award of contract.

Article Three—When the Board of Trustees shall have awarded the making of any improvements as aforesaid, it shall be the duty of the Town Marshal to forthwith enter into a contract with the successful bidder for the making of the improvements as advertised for, and according to the plans and specifications therefor, and at the price named in the award of said Board. Said contract to specify the rate per front foot, and the cost of each separate street crossing, including all work the full width of both streets on said crossings. And all contracts made therefor must contain this condition and express notice, that the town will, in no case, be liable for any portion of the expense, nor for any delinquency of persons and property. Said Marshal shall

Marshal and contractor.

Bond of contractor.

require of the contractor a good and sufficient bond for the completion of the work as specified in the said contract; said bond to be approved by said Board of Trustees.

Expenses, how paid.

SEC. 14. *Article One*—The expense incurred for any work authorized by section thirteen of this Act shall be assessed upon the lots and lands fronting thereon, except as herein-after specially provided, each lot or portion of a lot being separately assessed in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work, except as provided in the succeeding articles of this section; and provided, also, that the Board of Trustees may, in their judgment, order a portion of the expenses paid out of the town treasury, and the balance assessed as aforesaid.

Same.

Article Two—The expense of all work done on street crossings shall be assessed upon the four quarter blocks adjoining and cornering upon said crossing, and each lot or portion of a lot fronting upon both such streets shall be separately assessed, in proportion to its frontage on one or both streets, at a rate per front foot sufficient to cover the total cost of the said crossing.

Same.

Article Three—When a street terminates in another street, the expense of work done on one-half the width of the street adjoining the termination shall be assessed upon the two quarter blocks cornering on the same, according to the frontage of said lots on said streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street opposite such termination.

When unknown owners.

SEC. 15. *Article One*—After the contractor of any street work has fulfilled his contract to the satisfaction of the Town Marshal and Town Engineer, or of the said Board of Trustees on appeal, it shall be the duty of the Town Assessor to forthwith make an assessment to cover the sum due for the work performed and specified in said contract, including the expense of engineering, in conformity with the provisions of section fourteen of this Act, according to the character of the work done, or if any directions or decisions shall be given by said Board of Trustees on appeal therein, [in] accordance with such directions or decisions, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the cost of engineering, if any, the rate per front foot assessed, and the amount of each assessment, the name of the owner of each lot or portion of a lot (if known to the Assessor), if unknown, the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and when the said assessment shall have been completed the said Assessor shall certify to the correctness of the same, and deliver said assessment to the Town Clerk.

Notice by Clerk of assessments.

Article Two—The Clerk, upon the receipt of the assessment aforesaid, shall forthwith post notices on three town bulletin boards, in which he shall state on what portion of any street work has been done, to pay for which the assessment has been levied, that the assessment can be seen at his office, and that the Board of Trustees will meet on a day named (which

day shall not be less than five nor more than ten days from the posting of said notices) to hear any appeal that any person directly interested in the work performed, or the assessment made, may make in writing. After examining any objections or complaints that may be brought before them on appeal in regard to the aforesaid assessment, the Board of Trustees may correct, alter, or modify such assessments in such manner as to them may seem just, and direct the Assessor to make such corrections, alterations, or modifications. All the determinations and decisions of said Board, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section.

Objections to same

Article Three—After the assessment shall have been approved by the Board of Trustees as aforesaid, the Clerk shall hand the same over to the Town Marshal so made up and approved. The Marshal, upon receipt of the said assessment, shall forthwith attach thereto a warrant, which shall be signed by the Marshal and countersigned by the President of the Board of Trustees; the said warrant to be substantially as follows: By virtue hereof, I (name of Marshal), Marshal of the Town of Livermore, County of Alameda, and State of California, by virtue of the authority vested in me as said Marshal, do authorize and empower (name of contractor), his or their agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same. (Name of Marshal), Marshal of the Town of Livermore. Countersigned (name of President of the Board), President of the Board of Trustees. Said warrant and assessment shall be recorded by the Marshal; when so recorded the several amounts assessed shall be a lien upon the lands and lots, or portions of lots, assessed respectively, for the period of two years from the date of recording, unless sooner discharged, and from and after the date of recording said warrant and assessment all persons mentioned in article one of this section shall be deemed to have notice of the contents of the record thereof. After said warrant and assessment are recorded the same shall be delivered to the contractor, or his agent or assigns, on demand, and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessments.

Warrant to be delivered to contractor.

Article Four—The contractor, or his assigns, shall call upon the persons so assessed, or their agents or assigns, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, or his agent or assigns, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the persons so assessed can conveniently be found, or whenever the name of the owner of the lot is stated as unknown in the assessment, then the said contractor, or his agent or assigns, shall publicly demand payment on the premises assessed. The warrant and assessment shall be returned to

Contractor to report unpaid assessments.

the Marshal within thirty days after the date of the warrant, with a return indorsed thereon, signed by the contractor, or his agent or assigns, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof; whereupon the Marshal shall record the return so made in the margin of the record of the warrant and assessment, and shall sign the record.

Contractor
may bring
suit for
collection.

Article Five—After the expiration of thirty days from the date of the warrant and assessment aforesaid, and after the Marshal shall have recorded the return, as specified in the preceding article, the several assessments therein remaining unpaid shall be deemed delinquent, and five per cent. shall be added thereto, and the contractor, or his agent or assigns, may at any time, during the continuance of the lien of said assessment, sue in his own name the owner of the lands, lots, or portions of lots assessed, and recover the amount of any assessment and percentage aforesaid remaining due and unpaid; such suit may be brought in any Court in said town and county having jurisdiction of the amount for which suit is brought; said Courts are hereby clothed with jurisdiction to hear and determine such action. The said warrant, and assessment, and non-payment shall be prima facie evidence of such indebtedness, and the right of the plaintiff to recover in the action. If suit be commenced in a Justice Court, the action may be brought and judgment rendered against the owner of the lands, and lots, or portion of lots, liable for such assessment, or said contractor may bring an action in the District Court of said county to foreclose the lien of said assessment, and may obtain a decree for the sale of such premises; and such decree shall provide for a counsel fee of twenty-five dollars, to be paid to such contractor, or his attorney, out of the proceeds of such sale, in addition to such assessments and costs. Such premises, if sold, may be redeemed as in other cases. In all suits brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and, also, when not in conflict herewith, by the Code of Civil Procedure of this State. This Act shall be liberally construed to effect the ends of justice.

Decree of
sale.

Redemption
after sale

Marshal to
notify own-
ers to do
work

Article Six—The Marshal of said town may require, at his option, by notice in writing, to be delivered to them personally, or posted in the premises, the owner, tenants, or occupants of lands, or lots, or portion of lots, liable to be assessed for work done under the provisions of this Act, to impose forthwith any of the work mentioned in section fourteen of this Act, in front of the property of which he is the owner, tenant, or occupant, to the center of the street, or otherwise, as the case may be, specifying in said notice what improvements or work is required. After the expiration of three days the said Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or making the improvements required by said notice. If such improvements be not commenced within three days after the notice given as aforesaid, and diligently prosecuted to completion,

If neglect,
to let con-
tract.

the said Marshal may enter into contract with any suitable person applying to make said improvements at the expense of the owner, occupant, tenant, or lessee, at a reasonable price, to be determined by said Marshal; and such owner, tenant, or occupant, shall be liable to pay the same. After the certificate mentioned in the succeeding article shall have been recorded by the Marshal, the sum contracted for shall be a lien upon the lands and lots liable therefor, the same as provided in article three of this section, and may be enforced in the same manner.

Article Seven—If the expense of the work and materials for such improvements, after the completion thereof, be not paid to the contractor, or his agent or assigns, on demand, the said contractor, or his agents or assignees, shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid, and the certificate of the Marshal that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and material, and the right of the contractor to recover the same in such action. Contractor may recover from owners.

Article Eight—In addition and as cumulative to the remedies above given, the Town Trustees shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable therefor, for neglecting or refusing to make improvements when required as provided in article six of this section, which fines and penalties shall be recovered by prosecution in the name of the people of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Trustees, in payment of the expenses of any such improvements, when not otherwise provided for. owners may be fined for neglect.

Article Nine—Any tenant, occupant, or lessee of the lands or lots liable for the costs of such improvements, may pay the amount assessed against the property of which he is the tenant, occupant, or lessee, under the provision of this Act, or he may pay the price agreed upon to be paid, under the provisions of this section, either before or after suit brought, together with cost to the contractor, or his agent or assigns, or may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due or to become due from him; and for any sum so paid beyond the rents due from him, he shall have a lien upon, and may retain possession of the said lands and lots, until the amount so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner. Assessments, when may be paid.

Article Ten—The Marshal shall keep in a book for that purpose a record of all street work that shall be done, and for the recording of all street assessments as provided in this Act, and shall superintend the making of all improvements of the streets, sidewalks, and public grounds, and require all contractors to faithfully comply with the terms of their contract, before the work shall be accepted by him. He shall also see that the laws, orders, and regulations, relating to the Duties of Marshal.

streets, highways, and public grounds, be fully carried into execution, and that the penalties for non-compliance therewith are rigidly enforced. It is required that he shall keep himself informed of the condition of all the public streets and highways, and, also, of all the public buildings, parks, lots, and grounds of said town; and should the Marshal fail to see the laws, orders, and regulations aforesaid, carried into execution, after notice from any citizen of non-compliance therewith or violation thereof, the said Marshal and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of such official neglect, and he shall, also, be liable to the Board of Trustees upon his official bond, if he shall accept any contract work in his official capacity before the same shall have been completed in accordance with the plans and specifications for the same, in a sum sufficient to complete such work as specified.

Debts and liabilities.

SEC. 16. Neither the Board of Trustees nor any officers or authority shall have power to contract any debt against said town, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or any claim against the town, except such legal and proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied, and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt, or liability incurred during any preceding year. The Board of Trustees shall not contract any liability or debt without there be money in the treasury to pay the same.

Ordinances.

SEC. 17. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.

Meetings of Trustees, and duties of.

SEC. 18. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property, as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meetings shall be held for such length of time as the Board of Trustees shall, by ordinance, fix. Said Board shall not sit as a Board of Equalization after the first Monday of October, and on that day they shall levy upon the assessed valuation of the property of said town the rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver to the Town Clerk the assessment roll, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained, and shall deliver said assessment roll, so made out and duly certified to, to the Town Marshal for collection, on the first Monday of November.

Official bonds.

SEC. 19. The Marshal, Assessor, Clerk, and Treasurer, before entering upon the duties of their office, shall take the

oath of office, as prescribed by law, and also give a bond, with sureties, to be approved by the Board of Trustees of said town, payable to the Town of Livermore, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices, as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees.

SEC. 20. If any vacancy shall occur in any of the offices created by this Act they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled, as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees. Vacancies.

SEC. 21. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the town treasury, unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk. Demands.

SEC. 22. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, and keep a correct journal of their proceedings; and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, issue certificates of election to the persons elected, and he shall receive such compensation for his services as said Board of Trustees may, by ordinance, fix; and for a failure to comply shall be liable to all such penalties as are herein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk. Duties of Clerk.
Compensation.

SEC. 23. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees and arrest all persons guilty of a violation of the same; to collect all taxes and licenses that shall at any time be due said town; to receive the tax list, and upon the receipt thereof, to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon the Tax Collectors for the collection of State and county revenue; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unne- Powers and duties of Marshal.

essary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board of Trustees may, by ordinance, fix. He shall have the same power in all civil and criminal cases, within the limits of said town, as Constables have within the respective townships for which they are elected, and be entitled to the same fee; and for failure to comply with the duties required of him, shall be liable to all such penalties as are herein set forth, and subject to removal from office.

Duties of
Treasurer

SEC. 24. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the town treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk, and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town.

Duties of
Assessor

SEC. 25. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first Monday of August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list, and ascertaining the value of the property, shall be the same as that prescribed by law for assessing State and county taxes; and, also, make assessment for street work, as provided in this Act; and the Assessor shall receive for his services such sum as shall be fixed by ordinance. No levy of taxes shall be made upon real and personal property within the limits of the town of [by] the Board of Supervisors of Alameda County, for road purposes, and no taxes shall be collected by the Tax Collector of said county on property situate within said town, for such purposes. Said Clerk, Marshal, and Assessor, shall have the same power to administer and certify to an oath as has a Justice of the Peace.

Tax collect-
ions, etc.

SEC. 26. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Alameda; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said town, if there be one; if there be none, then in some newspaper published within said county; *provided*, all sales for delinquent taxes shall be made in front of the Town Hall, and by the Town Marshal.

Town
Attorney

SEC. 27. The Board of Trustees of said town may appoint a Town Attorney, to hold office during the pleasure of said Board, whose duty it shall be to prosecute all suits brought on behalf of the town, and to defend all suits brought against it, and to do such other duties as the Board of Trustees may

direct, and whose compensation shall be such sum as said Board may determine.

SEC. 28. The Town Justice of the Peace shall have the same jurisdiction within the limits of said town, in all civil and criminal cases, as any other Justice has within the township for which he is elected. Justice of the Peace.

SEC. 29. All taxes, assessments, and fines, payable to the town treasury, and the cost of the improvements on any sidewalk, street, or other town improvement, shall be payable only in gold and silver coin of the United States. Legal money.

SEC. 30. The President of the Board of Trustees shall preside at all meetings of said Board, when he shall be present, and in the absence of the President the Board may appoint one of their number to act as President pro tem., and for their services said Trustees and President shall receive no compensation.

SEC. 31. The style of the ordinance of the Town of Livermore shall be: The Trustees of the Town of Livermore do ordain as follows.

SEC. 32. The Town Trustees are hereby authorized to procure the necessary books for the official record of the town.

SEC. 33. Nothing in this Act shall be construed to change or modify the boundaries or limits of the Livermore School District of the County of Alameda, but said school district shall be and remain the same as now defined, and said Town of Livermore shall not form a separate school district of itself, but shall be and remain as it is now, a part of said Livermore School District.

SEC. 34. This Act shall take effect immediately.

CHAP. DCXIII.—*Proposed amendments to the Constitution of the State of California.*

The Legislature of the State of California, at its twenty-first session, commencing on the sixth day of December, A. D. one thousand eight hundred and seventy-five, by a majority of all the members elected to each House thereof, and by a majority of all the members elected to the Senate, and by a majority of all the members elected to the Assembly thereof, adopt and agree to the amendments hereinafter set forth to the Constitution of the State of California. Said amendments were proposed in the Assembly of said State, at the twentieth session of the Legislature thereof, and were at such session agreed to by a majority of all the members elected to the Assembly, and subsequently, and at the same session, were agreed to by a majority of all the members elected to the Senate of said State, and were during such session entered at large on the journal of each House, with the yeas and nays taken therein in each House, and were referred to the Legislature then next to be chosen, and were Preamble.

duly and legally published for three months next preceding the time of such choice.

Amend Article II. to read as follows:

ARTICLE TWO.—RIGHTS OF SUFFRAGE AND ELECTIONS.

Qualifica-
tions of
electors.

SECTION 1. Every male citizen, twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

One—He shall have been a citizen of the United States at least one month.

Two—He shall have resided in the State six months immediately preceding the election.

Three—He shall have resided in the election precinct where he shall offer to vote one month immediately preceding the election.

Disqualifi-
cations.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Residence.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

Rights on
election day.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Same.

SEC. 5. 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.

General
elections.

SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature by statute fix a different time.

Elections by
ballot, etc.

SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity shall be *viva voce*.

Plurality.

SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

Bribery.

SEC. 9. Any person who shall give, or promise, or offer to give to any elector any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote, or

for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received. Challenges.

SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years. Penalties for bribery.

SEC. 11. In trials of contested elections, and proceedings for the investigations of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony. Testimony in cases of contested elections.

Amend Article VI. of said Constitution to read as follows:

ARTICLE SIX.—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such Municipal Courts as shall be established by statute for cities, or consolidated cities and counties. Judicial powers, how vested.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment. Supreme Court.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. The full term of a Justice of the Supreme Court is fourteen years. At the meeting of such Justices on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term. Election of Supreme Justices.

SEC. 4. At the election for Justices of the Supreme Court next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court. Same

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, Vacancies, how filled.

and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

Chief
Justice.

SEC. 6. No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected, having the shortest term to serve, shall be Chief Justice.

Jurisdiction
of Supreme
Court.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

One—Original; and,

Two—Appellate.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

One—To all civil cases and special proceedings arising in the District Courts;

Two—To all criminal actions amounting to felony;

Three—To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and,

Four—To such other cases and proceedings as the Legislature may by general statute prescribe.

Each county
to be a
Judicial
District.

SEC. 10. Each county is a judicial district. District Judges shall be elected by the qualified electors of their respected districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years, and until their successors shall be elected and qualified.

Vacancies in
office of
District
Judge.

SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

Additional
Judges.

SEC. 12. Every county containing less than twenty thousand inhabitants shall elect one District Judge; counties containing more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

Presiding
Judge.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be elected by lot, who shall distribute the labor to be performed by each.

Separate
Courts.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are selected for one county, Courts shall be held separate, but the judgments and orders of each shall be entered and enforced as of the District Court of such county.

SEC. 15. The jurisdiction of District Courts is of two kinds: Jurisdiction of District Courts.

One—Appellate; and,

Two—Original.

SEC. 16. The appellate jurisdiction of the District Courts extend:

One—To all cases arising in Justices' Courts.

Two—To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

SEC. 17. The original jurisdiction of District Courts extend:

One—To all civil actions for relief formerly given in Courts of equity.

Two—To all civil actions in which the subject of litigation is not capable of pecuniary estimation.

Three—To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involves 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.

Four—To actions to prevent or abate a nuisance.

Five—To actions of forcible entry and detainer.

Six—To proceedings in insolvency.

Seven—To probate cases and proceedings.

Eight—To all other special proceedings.

Nine—To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district.

Ten—To the trial of all indictments.

Eleven—To such other cases and proceedings as the Legislature may prescribe.

SEC. 18. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix, by law, their powers, duties, and responsibilities; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record. Justices of the Peace.
Courts of record.

SEC. 19. The jurisdiction of Municipal Courts, established by statute for cities and consolidated cities and counties, shall extend only to the trial of misdemeanors and to the trial of cases arising under ordinances of such cities, or cities and counties. Municipal Courts, Jurisdiction of

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensations. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute. Clerks of Supreme Court, Clerks of counties, and Commissioners.

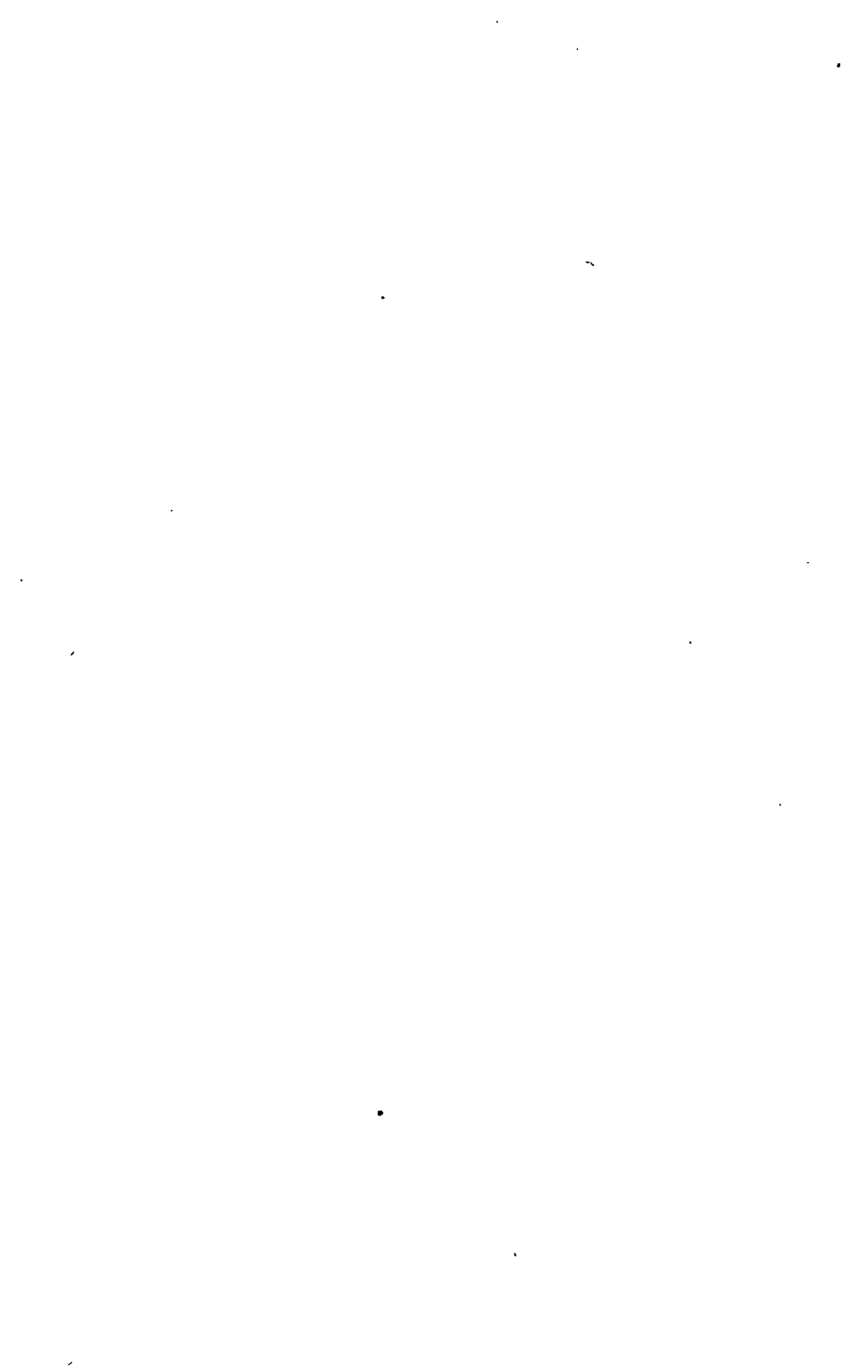
- Terms of Court.** SEC. 21. The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.
- Fees or perquisites.** SEC. 22. No judicial officer, except Justices of the Peace and Commissioners, shall receive to his own use any fees or perquisites of office.
- Supreme Court reports.** SEC. 23. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may seem expedient, and all opinions shall be free for publication by any person.
- Salaries.** SEC. 24. The Justices of the Supreme Court and District Judges shall severally, at stated times during their continuance in office, receive for their services, out of the State treasury, a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.
- Supreme and District Judges to hold no other office.** SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office, during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.
- Charges to juries.** SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.
- Style of process.** SEC. 27. 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.
- Continuance of present Supreme Court.** SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine, but, after the first Monday in January, eighteen hundred and seventy-eight, its powers shall only extend to the determination of such cases, or proceedings pending therein, as may have been submitted for decision prior to that time.
- Same.** SEC. 29. The Justices of said Court in commission at the time these amendments take effect may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy-nine.
- Vacancies by election to new Court.** SEC. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this Act, his office, as a Justice of the Supreme Court now in existence, shall become vacant on the first Monday in January, eighteen hundred and seventy-eight, and the Governor shall, by appointment, fill the vacancy.

NOTE.

Chapter 483, Amendments to the Codes (approved April 1, 1876), repeals an Act entitled "An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April 29, 1851," and approved April 1, 1872.

Chapter 545, Amendments to the Codes (approved April 3, 1876), repeals an Act entitled "An Act to provide for the fitting up and use of the Governor's Mansion as a State Printing Office and State Armory," approved March 30, 1874, and also an Act entitled "An Act to establish a State Printing Office and to create the office of Superintendent of State Printing," approved March 26, 1872.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

NUMBER I.—*Assembly Joint Resolution No. 12.*

[Adopted January 4, 1876.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use all honorable means in their power to procure an increase of the mail service on mail route number forty-six thousand one hundred and thirty-eight, from Caliente, in the County of Kern, to Lone Pine, in the County of Inyo, in the State of California, by changing said service from a tri-weekly to a daily mail. Increase of mail service in Inyo County.

Resolved, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. II.—*Assembly Concurrent Resolution No. 13.*

[Adopted January 10, 1876.]

Resolved by the Assembly, the Senate concurring, That two thousand copies of the inaugural address of his Excellency, Governor Irwin, be ordered printed in the Spanish language, for distribution throughout the State. Inaugural in Spanish.

No. III.—*Assembly Concurrent Resolution No. 3.*

[Adopted January 10, 1876.]

Resolved by the Assembly, the Senate concurring, That our Senators and the several Representatives from this State in the Congress of the United States be requested to use their best endeavors to secure an appropriation for the purpose of building a breakwater at the Port of San Luis Obispo, and also to have a law passed, declaring the Harbor of San Luis Obispo a port of entry. Breakwater and harbor at San Luis Obispo.

No. IV.—*Assembly Concurrent Resolution No. 20.*

[Adopted January 17, 1876.]

Expenses of
inauguration
ceremonies.

Resolved by the Assembly, the Senate concurring, That the following bills of or expenses for the inauguration ceremonies of the Governor, payable out of the appropriation for the contingent funds of the Senate and Assembly, in equal proportions, be paid as follows: Fisch & Grant's band, one hundred dollars; T. D. Scriver, one hundred and forty-five dollars; C. M. Tucker, porter, four dollars; N. L. Drew & Co., fifty dollars and eighty-seven cents; B. F. Alexander, twenty-four dollars and fifty cents; William O'Brien, five dollars; J. J. Maloney, porter, four dollars; E. F. Boyle, four dollars.

No. V.—*Senate Concurrent Resolution No. 7, asking a modification of our treaty with China.*

[Adopted January 20, 1876.]

Preamble.

WHEREAS, It is the duty of the General Government to promote the welfare of its citizens by the enactment of wise laws, and to advance their material interests by treaties of friendship and commerce with foreign nations, by conceding to their subjects such rights as they allow our citizens to enjoy in their territories; and, whereas, our present treaty with China grants to her subjects privileges for which, in return, we receive no corresponding advantages, but which bring to our shores large numbers of her people, many of whom come among us to pursue an immoral vocation, which has made certain quarters of our towns and cities localities where human degradation is seen in its most abhorrent forms; and, whereas, the laboring element that is brought among us from China, by organized companies of capitalists, is not of a desirable character as residents, because, owing to the low standard of living on which it can subsist, it deprives our own working people of employment in industries which they have learned only by a long apprenticeship; and, whereas, pauper wages for our working classes, who have wives and children depending on them for support, result from the maintenance of the treaty with China, which largely contributes to fill our poor-houses and hospitals with unwilling inmates, as the only shelter they can obtain from poverty and sickness caused by loss of work; and, whereas, it is against public policy that, under any pretext whatever, encouragement should be given, by treaty stipulations or otherwise, to the immigration of a servile laboring element among us; therefore, be it

Modification
of treaty
with China.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives requested to

use their influence to have Articles V. and VI. of our treaty with China modified so as to discourage the further immigration of Chinese to our shores, by appropriate action on the part of the Federal Government.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress, at as early a day as possible.

No. VI.—*Senate Concurrent Resolution No. 14.*

[Adopted January 20, 1876.]

WHEREAS, The people of the United States owe a debt of gratitude to the gallant men who fought under their flag in the Mexican War—a contest which has secured to the American Union territories of great value, which have yielded precious metals and cereal products in such abundance as to assist in developing, in an extraordinary degree, our moral and material interests; therefore, be it

Preamble.

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be requested and our Senators instructed to use their best efforts to procure the passage of an Act granting pensions to the soldiers, sailors, and marines of the Mexican war of eighteen hundred and forty-six, eighteen hundred and forty-seven, and eighteen hundred and forty-eight.

Pensions to Mexican war veterans.

Resolved, That his Excellency the Governor of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

No. VII.—*Assembly Concurrent Resolution No. 25.*

[Adopted February 1, 1876.]

Resolved by the Assembly, the Senate concurring, That a committee of three from each House be appointed, respectively by the Speaker and President, to receive proposals and award the contract for translating into Spanish the laws of the present session of the Legislature.

Translating laws into Spanish.

No. VIII.—*Assembly Concurrent Resolution No. 24, relative to the transfer of Indian affairs to the War Department.*

[Adopted February 1, 1876.]

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use their influence to obtain the passage of a law, at an early

Transfer of management of Indian affairs.

day, providing for the transferring of the entire management of Indian affairs from the Department of Interior to that of the War Department.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress at as early a day as practicable.

No. IX.—*Assembly Concurrent Resolution No. 19, relative to United States Mail Route No. 46,109.*

[Adopted February 1, 1876.]

Preamble.

WHEREAS, There is at present but a tri-weekly mail over United States mail route number forty-six thousand one hundred and nine, from the Town of San Mateo to the Town of Pescadero, in the County of San Mateo, and but a weekly mail from the Town of Pescadero to the Town of Santa Cruz, in the County of Santa Cruz; and, whereas, the rapidly increasing population and necessities of business demand a more frequent communication; therefore, be it

Increase of mail service in San Mateo and Santa Cruz.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence for the establishment of a daily mail service over so much of said mail route number forty-six thousand one hundred and nine as extends from the Town of San Mateo, by the way of Halfmoon Bay, to the Town of Pescadero; and for the establishment of a tri-weekly mail service from the Town of Pescadero to the Town of Santa Cruz.

Resolved, That his Excellency the Governor of the State of California be requested to forward a copy of these resolutions to the Postmaster-General of the United States, and to each of our Senators and Representatives in Congress.

No. X.—*Assembly Concurrent Resolution No. 14.*

[Adopted February 1, 1876.]

Increase of mail service between Crescent City and Jacksonville.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence for the establishment of a tri-weekly mail service from Crescent City, California, to Jacksonville, Oregon, via Waldo.

Resolved, That his Excellency the Governor of the State of California be requested to forward a copy of this resolution to the Postmaster-General of the United States, and to each of our Senators and Representatives in Congress.

No. XI.—*Assembly Concurrent Resolution No. 7.*

[Adopted February 1, 1876.]

The Memorial of the Legislature of the State of California, to the Congress of the United States, respectfully represents:

That the Harbor of Crescent City, in Del Norte County, and State of California, is one of the most important on the coast line of said State north of San Francisco, and the only place suitable for a harbor of refuge between San Francisco and Puget Sound. The business of said port is increasing yearly, being the outlet for the large and rapidly extending trade of nearly the whole of Southern Oregon, and a part of Northern California; and, whereas, chiefs of the engineering corps of the Pacific Coast, the Chamber of Commerce of San Francisco, and practical engineers have represented, in their official reports and resolutions, the said harbor to be a proper place for the construction of a breakwater for the protection of commerce; therefore, be it

Preamble.

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use all honorable means in their power to obtain from Congress an appropriation for the improvement of said harbor and the construction of said breakwater, and that the Governor of this State be requested to transmit a copy of this preamble and resolution to each of our Representatives and Senators, with a request that they take speedy action in the matter.

Improvement of Crescent City Harbor.

No. XII.—*Assembly Concurrent Resolution No. 6.*

[Adopted February 1, 1876.]

Resolved by the Assembly, the Senate concurring, That our Senators be directed and the several Representatives of the State of California in the Congress of the United States be requested to use their best endeavors to secure an appropriation for the improvement of the Harbor of San Luis Obispo, and also, to have a law passed declaring the Port of San Luis Obispo a port of entry.

San Luis Obispo Harbor.

No. XIII.—*Assembly Concurrent Resolution No. 23, relative to soldiers' and sailors' additional homestead claims.*

[Adopted February 1, 1876.]

Preamble.

WHEREAS, Under the provisions of an Act passed by Congress, March third, eighteen hundred and seventy-three, entitled "An Act to amend an Act entitled 'An Act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,'" and the amendments thereto, large bodies of the public lands in this State have been located as additional homesteads for soldiers and sailors of other States; and, whereas, while such locations appear on their face to be for the benefit of the soldiers and sailors entitled to the benefit of said Act, they are in reality made by and for the sole benefit of land-grabbers and speculators; and, whereas, such additional homestead rights are being offered for sale and purchased by speculators, and used by them in the same manner as scrip for location on unoffered lands; and, whereas, under the rules established in the United States District Land Offices in this State, parties holding such additional homestead claims are allowed to, and do file the same upon lands already filed upon by preemption claimants, and although a preëmptor of the public lands is allowed by law thirty-three months from the time of his settlement in which to prove up and pay for his quarter section, such District Land Offices have issued citations to bona fide preëmptors to appear at the United States Land Offices and contest their right to hold the land preëmpted by them in good faith, with a holder of these soldiers' additional homestead claims; that such citations are being issued to preëmptors within ten months after their settlement upon the land; and, whereas, but few of the actual settlers on the public lands are prepared or able to present themselves, with their witnesses, at the land offices at the time they are cited to appear, thereby permitting, without laches on their part, a judgment by default to be taken against them, in favor of the speculator, and not the soldier or sailor in whose name the claim is placed upon the land; and, whereas, owing to the action of the United States land officers in this State, in regard to the location of these additional homestead claims, that immediate relief and protection is required of Congress for the bona fide settler on the public lands; therefore, be it

To prevent fraud in locating homestead claims.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to procure such action on the part of the General Land Office as shall speedily as possible put a stop to further locations of fraudulent additional homestead claims, and also to procure the passage of an Act by Congress requiring that all additional homestead entries in California shall be made by the application in person before the Register and Receiver, and that no such application shall be filed or

allowed unless the applicant is the party, or his heir, entitled to such additional homestead, and a resident of this State, and that no patent therefor shall issue until after the expiration of six months from the date of the location, and that any sale, or agreement to sell, or power of attorney to sell, made or executed prior to the issuance of the patent, shall be null and void; and such other action to be taken by our Senators and Representatives as to them seems best, for the relief and protection of the actual settler on the public lands.

Resolved, That the Governor is hereby instructed to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

No. XIV.—*Senate Concurrent Resolution No. 19, memorial to the Senate and House of Representatives of the United States in Congress assembled.*

[Adopted February 10, 1876.]

Your memorialist, the Legislature of the State of California, now in session, do respectfully represent as follows:

Congress did, on the first day of July, A. D. eighteen hundred and sixty-two, pass an Act entitled an Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes. Section eighteen of said Act, page four hundred and ninety-seven, volume twelve of the United States Statutes at large, provided that Congress should add to, alter, amend, or repeal said Act. Congress did, on July second, eighteen hundred and sixty-four, pass an Act entitled an Act to amend an Act entitled as aforesaid, and that section twenty-two of said amended Act, page three hundred and sixty-five, volume fifteen, United States Statutes at large, did provide that Congress may at any time alter, amend, or repeal this Act; that the Central Pacific and Western Pacific Railroad Companies, corporations duly formed under the laws of the State of California, were beneficiaries under said Acts, and, as such, on the performance of certain conditions specified and enumerated in said Acts, were to receive from the United States patents for every alternate section of public land designated by odd numbers, to the amount of ten alternate sections per mile on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a preëmption or homestead claim may not have attached at the time the line of said road is definitely fixed, provided all mineral lands shall be excepted, etc., except coal and iron, and provided that said Acts should not defeat or impair any preëmption, homestead, swamp land, or other lawful claim, nor include any Government reservation, or the improvements of any bona fide settler, etc. Further, that at the dates of said Acts of Congress there were numerous private land

Memorial to Congress concerning land grants to Central and Western Pacific Railroads.

Memorial to
Congress
concerning
land grants
to Central
and Western
Pacific
Railroads.

claims in the Courts of the United States unadjusted and awaiting adjudication; that said private land claimants have, in numerous cases, subdivided and sold their lands in good faith and to innocent purchasers, and under the laws of the State of California, and all this, too, before any finality had been reached before the United States Supreme Court; that the persons owning or claiming said lands held under such foreign title derived from Spain or Mexico, as well as those persons who bought in good faith said lands, as well as very many other persons, held that no portion of such lands lying within the exterior boundaries of said private grant claims as were *sub judice* at the dates of the several Acts of Congress herein enumerated, inured to the benefit of said Central and Western Pacific Railroad Companies, but were protected therefrom by treaty. Further, that such view was held and acted upon by the Land Department of the United States, so that when said private land claims were finally adjusted, the lands so claimed reverted to the general body of public lands, and as such were subject to disposal under the homestead and preëmption laws of the United States. Further, that such was the rule of action by the General Land Office at Washington until the date when Mr. Columbus Delano, acting as Secretary of the Interior, just prior to his vacating said office, did, in a decision known as the "Dillingham decision," reverse said rule, and did award all lands of such class to the said railroad companies. Your memorialist further represents that said decision of Secretary Delano, since it reversed his own decision in the same case after hearing all the facts and arguments presented, as well as the decisions of all his predecessors upon similar cases, and that, too, upon an *ex parte* hearing of the case, has worked and is still working much hardship in this State; that the principles involved therein are claimed to be involved in a test case now before the United States Supreme Court, to wit: the case of Charles W. Sauger versus G. D. Newhall, but that before any such decision can be had, that patents and certificates of purchase heretofore issued to persons other than said railroad companies are being canceled and set aside by the Land Department, with the expressed intention of patenting the same to said railroad company. In view, therefore, of the very great importance of this matter to large numbers of citizens in California, and in view of the right to alter, amend, or repeal said legislation of Congress as hereinbefore referred to, your memorialist would respectfully request that Congress may, at its present session, enact such legislation in the premises as may afford protection to the actual settlers on such lands in California, having due regard to the rights of said companies named herein, and as were intended by said Acts of Congress to be conferred by said legislation. Your memorialist would further request that Congress may, upon the receipt of this memorial, by resolution or other appropriate action, request the Commissioner of the General Land Office and Secretary of the Interior to suspend all further action touching either the issuance to said railroad company of any evidence of title, or the cancellation of the

evidences of title heretofore issued by the United States to those who have been made patentees under the laws of the United States, and take such action as will protect the actual settlers in all such cases within this State. And your memorialist will ever pray, etc.

No. XV.—*Senate Concurrent Resolution No. 17, in relation to the Presidio Reservation.*

[Adopted February 14, 1876.]

WHEREAS, The Federal Government owns a tract of land in the City and County of San Francisco, containing seven-^{Preamble.}teen hundred acres, known as the Presidio Reservation; and, whereas, said territory may be utilized with benefit to the people of the city and county aforesaid, and in the interest of the General Government, by dedicating the portion thereof not needed for military purposes, as has been shown by surveys made by United States officers, to form a public park; and, whereas, such dedication, until the land may be required by a public emergency, would enable the city and county authorities to beautify the tract with trees, valuable for ornamental and hygienic purposes, which could be planted so as to form shelter belts for the structures that may be erected thereon for military, naval, sanitary, and scientific establishments by the General Government, and so arranged or laid out as to provide suitable grounds for the use of the Federal troops and State militia; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives requested to use all means in their power to secure the passage of an Act of Congress dedicating the land above described for the purposes of a public park.^{Presidio Reservation.}

Resolved, That his Excellency the Governor be requested to forward to the Secretary of the War Department at Washington, and to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.

No. XVI.—*Senate Joint Resolution No. 20, relative to obtaining cheaper telegraphic facilities for the State of California.*

[Adopted February 14, 1876.]

WHEREAS, Telegraphic communication between the State of California and the important cities and towns of the Eastern States is now substantially under the control of one company, and the rates charged for the transmission of^{Preamble.}

messages are oppressive to the people of this State; therefore, be it

Rates for telegraphic messages.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to aid, by procuring appropriate legislation, in giving to the people of this State lower rates for the transmission of telegraphic messages.

No. XVII.—*Senate Concurrent Resolution No. 28.*

[Adopted February 15, 1876.]

Concerning public lands.

Resolved by the Senate, the Assembly concurring, That his Excellency Governor William Irwin be respectfully requested to transmit to each of our Senators and Representatives in Congress a copy of Senate Concurrent Resolution Number Nineteen, "concerning public lands."

No. XVIII.—*Senate Joint Resolution No. 2.*

[Adopted February 14, 1876.]

Preamble, concerning improvement of certain rivers and creeks.

WHEREAS, Surveys made by the Federal Government during the summers of eighteen hundred and seventy-four and eighteen hundred and seventy-five, have demonstrated the practicability of removing obstructions in the Feather, Sacramento, Mokelumne, and San Joaquin Rivers, and Petaluma and Sonoma Creeks, and of deepening their channels to subserve the purposes of transportation thereon, at a moderate expense, which, if not made at an early day, will permit the shoalings of their channels, with danger from overflow of their banks during the winter season, exposing property to great loss and endangering the public health in the districts through which they flow; and, whereas, liberal appropriations have been made by Congress for the improvement of rivers in the older States, of less importance as highways of commerce than the rivers above named; therefore, be it

Appropriation asked for.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed, and our Representatives requested, to use their influence to have a reasonable appropriation made for the improvement of the rivers above named.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolutions to our Senators and Representatives in Congress at as early a day as practicable.

No. XIX.—*Assembly Concurrent Resolution No. 9.*

[Adopted February 18, 1876.]

Resolved by the Assembly, the Senate concurring, That our Representatives and Senators, now in Congress assembled at Washington, be and are hereby instructed to use their utmost endeavors to have the duty or tax on the manufacture of native grape brandy reduced, as the same, as it now exists, is very oppressive to a great interest of our State, amounting almost to prohibition.

Resolved, That his Excellency the Governor of the State of California be requested to transmit a copy of this resolution to our Representatives and Senators, respectively.

No. XX.—*Assembly Concurrent Resolution No. 26, relative to the establishment of a mail route from the Town of Susanville, by the way of Horse Lake Valley and the South Fork of Pit River, and Dorris' Bridge, and Davis Creek, to Willow Ranch, in the State of California.*

[Adopted February 18, 1876.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested to use their efforts to procure the establishment of a mail route, with tri-weekly service thereon, from the Town of Susanville, by the way of Horse Lake Valley, and the South Fork of Pit River, and Dorris' Bridge, and Davis Creek, to Willow Ranch, in the State of California.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXI.—*Assembly Concurrent Resolution No. 27, relative to the establishment of a mail route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of the Town of Varyville and the Summit Lake Valley, to Lake City, in the State of California.*

[Adopted February 18, 1876.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress are instructed and our Representatives are requested to use their efforts to procure the establishment of a mail route, with weekly service thereon, from the Town of Winnemucca, in the State of Nevada, by way of the Town of Varyville and the Summit Lake Valley, to the Town of Lake City, in the State of California.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXII.—*Assembly Concurrent Resolution No. 38.*

[Adopted February 19, 1876.]

Requesting
return of
bill

Resolved by the Assembly, the Senate concurring, That his Excellency the Governor be and he is hereby requested to return to the Assembly, Assembly Bill No. 291—An Act to amend an Act entitled an Act incorporating the Town of Cloverdale, in the County of Sonoma, and State of California, approved February twenty-eighth, eighteen hundred and seventy-two—for the purpose of correcting the same.

No. XXIII.—*Joint and Concurrent Resolution No. 25.*

[Adopted February 28, 1876.]

Preamble.

WHEREAS, In pursuance of the established policy of the Government of the United States in promoting the trade and commerce of the country by the improvement of our bays and harbors, the Government has inaugurated certain improvements of the harbor at Oakland, in the Bay of San Francisco; and, whereas, the appropriation heretofore made is wholly inadequate to the completion of the work now in progress; therefore,

Improvement of
Oakland
Harbor.

Resolved, That our Senators be instructed and our Representatives requested to use their utmost exertions to obtain from Congress a further appropriation for the improvement of said harbor at Oakland.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress.

No. XXIV.—*Senate Concurrent Resolution No. 22.*

[Adopted February 28, 1876.]

Light-house
and fog-bell
for Carqui-
nez Straits.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use all means in their power to secure an appropriation from Congress for the purpose of erecting a light-house and fog-bell in the Straits of Carquinez, at or near Benicia or Martinez.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress.

No. XXV.—*Assembly Concurrent Resolution No. 28, relative to the establishment of tri-weekly mail service from the Town of Linkville, in the State of Oregon, by the Klamath River route, to the City of Yreka, in the State of California.*

[Adopted March 1, 1876.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested to use their efforts to procure the establishment of tri-weekly mail service by the Klamath River route, from the Town of Linkville, in the State of Oregon, to the City of Yreka, in the State of California. Mail service between Linkville, O., and Yreka.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXVI.—*Assembly Concurrent Resolution No. 22, relative to cheap postage.*

[Adopted March 2, 1876.]

WHEREAS, Cheap postage is of inestimable value to the people, and one of the greatest aids to civilization and republican government, by the diffusion of knowledge and information among all classes; and, whereas, near the close of the last session of Congress, the passage of an amendment to the postal laws was hurriedly acted upon, as we believe, without due consideration, increasing the rates of postage on third-class mail matter from one cent per two ounces to one cent per ounce; therefore, be it Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress are requested to endeavor to procure, as speedily as possible, the repeal of said amendment and the restoration of the rates existing previous to its passage. Repeal of Postage Act.

Resolved, That his Excellency the Governor is hereby requested to forward a copy of the foregoing to each of our Senators and Representatives in Congress.

No. XXVII.—*Assembly Concurrent Resolution No. 31.*

[Adopted March 2, 1876.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a tri-weekly mail from Mendocino City, in Mendocino County, via Noyo, Kibbisilah, Bear Harbor, Shelter Cove, Mail service in Mendocino and Humboldt Counties

Petrolia, Gas Jet, False Cape, Ferndale, and Table Bluff, to the City of Eureka, Humboldt County.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XXVIII.—*Assembly Concurrent Resolution No. 40.*

[Adopted March 6, 1876.]

Enrolling
Clerk to
correct bill.

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby authorized and directed to insert in section two of Assembly Bill No. 312—An Act to reincorporate the City of Marysville—the words “thence up the center of Feather River,” after the words “Feather River,” in the sixth line of said section, said words having been left out of the engrossed copy by mistake.

No. XXIX.—*Assembly Concurrent Resolution No. 37.*

[Adopted March 10, 1876.]

Payment for
translating
inaugural
address.

Resolved by the Assembly, the Senate concurring, That the sum of twelve dollars and fifty cents (\$12 $\frac{50}{100}$) be paid out of the funds for contingent expenses of each House, to Fabian Kunhardt, as compensation in full for the translation of the inaugural address of Governor Irwin. The Controller is hereby ordered to draw warrants in accordance with this resolution, and the State Treasurer is hereby authorized to pay said warrants.

No. XXX.—*Senate Joint Resolution No. 13, relating to the Atlantic and Pacific Railroad reserve.*

[Adopted March 11, 1876.]

Preamble.

WHEREAS, The Commissioner of the General Land Office of the United States, under date of April twenty-second, eighteen hundred and seventy-two, instructed the Register and Receiver to withhold from preëmption and sale all the odd-numbered sections within thirty miles on either side of the Atlantic and Pacific Railroad, as indicated on the map of the route of said road, from San Francisco to Mission San Miguel, a copy of which accompanied his letter; and, whereas, in eighteen hundred and seventy-four the Commissioner of the General Land Office of the United States sent another letter of instructions, and a copy of a map showing the line of said Atlantic and Pacific Railroad from Mission San Miguel to the southern boundary of the San Francisco Land District, and directing the Register

and Receiver to withhold from preëmption and sale all the odd-numbered sections within thirty miles on either side of the line of said road as therein laid down, in both instances increasing the price of the even-numbered sections within twenty miles on either side of the line of said road to two dollars and fifty cents per acre; and, whereas, under the provisions of the Act of Congress, approved July twenty-seventh, eighteen hundred and sixty-six, incorporating the Atlantic and Pacific Railroad Company, said company was to build a road from Springfield, Missouri, by the most eligible route, to the Pacific, and a grant was made along said route to the Pacific; and, whereas, the line of said road, as finally determined, makes said road reach the Pacific at San Buenaventura, in the County of Ventura, and State of California, and any reservation for the benefit of said road from San Francisco to the southern boundary of the San Francisco Land District is without authority of law, and in direct violation of the Act under which said corporation was formed; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use every endeavor to have said withdrawal removed, and have all the lands embraced therein reopened to preëmption and sale, subject to the same laws and regulations as existed at the time said order of withdrawal was issued. Reopening of railroad land grants.

Resolved, That his Excellency the Governor be and he is hereby requested to transmit a copy of the preamble hereto, and this resolution, to each of our Senators and Representatives in Congress.

No. XXXI.—*Assembly Concurrent Resolution No. 32.*

[Adopted March 11, 1876.]

WHEREAS, One Edward O'Meagher Condon, a citizen of the United States, and who fought in the Union army during the late war, is now, and has been for eight years past, immured in a British dungeon under life sentence of imprisonment; and, whereas, the most satisfactory proofs exist to show that the conviction of said Edward O'Meagher Condon was procured by testimony of a very questionable character, and that the nature of his offense, if any, consisted in giving expression to his political sentiments; and, whereas, it is the duty of the Government of the United States to protect her citizens in every clime; therefore, be it Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to take such action in the premises to the end that said Edward O'Meagher Condon may be speedily released from unjust punishment and imprisonment. Release of Edward O'Meagher Condon.

Resolved, That his Excellency, the Governor of this State, be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

No. XXXII.—*Assembly Concurrent Resolution No. 33.*

[Adopted March 14, 1876.]

Preamble.

WHEREAS, The Port of Mendocino, on the coast of the Pacific Ocean, about half-way between San Francisco and Humboldt Bay, in the State of California, is one of the few ports on said coast which has sufficient depth of water and capacity to furnish good anchorage for a number of large vessels at the same time, and is of easy access, and could, by the construction of a breakwater, be made a safe harbor at all seasons of the year; and, whereas, it is essential, not only for the security of the vessels engaged in taking cargoes to and from said port, as also for the security of other merchant vessels, as well as of vessels belonging to the revenue and naval service of the United States, engaged in navigating the adjacent seas, that a safe harbor should be provided in that locality, to be available for such vessels as a port of refuge in stress of weather, or when in actual distress; therefore, be it

Improvement of Mendocino Harbor.

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives requested to use their influence to secure an appropriation of money for the construction of a breakwater at said Port of Mendocino, and for the erection of a light-house at the entrance thereto.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress.

No. XXXIII.—*Senate Concurrent Resolution No. 29, asking an appropriation to erect a light-house and fog-bell at Santa Monica, Los Angeles County.*

[Adopted March 17, 1876.]

Light-house and fog-bell at Santa Monica.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use all means in their power to secure an appropriation from Congress for the purpose of erecting a light-house and fog-bell at Santa Monica, Los Angeles County.

Resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress.

No. XXXIV.—*Assembly Concurrent Resolution No. 47.*

[Adopted March 21, 1876.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby authorized to correct Assembly Bill No. 496—An Act to provide for the issuance of bonds of the Town of San Luis Obispo—by crossing the word “and” in the first line of section four, after the word “number,” and by inserting the word “and” before the word “their,” in the same line. Clerk to correct bill.

No. XXXV.—*Senate Concurrent Resolution No. 45.*

[Adopted March 23, 1876.]

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and is hereby authorized and directed to make the following correction in Senate Bill No. 435: Strike out in line four, section three of the bill, as enrolled, the words “at each annual election,” and insert in lieu thereof, “biennially.” Clerk to correct bill.

No. XXXVI.—*Assembly Concurrent Resolution No. 48.*

[Adopted March 23, 1876.]

Resolved by the Assembly, the Senate concurring, That the sum of twenty-five dollars is hereby appropriated to be paid to Fabian Kunhardt, in full compensation for the translation of the inaugural address of Governor Irwin; twelve dollars and fifty cents of said sum to be paid from the fund for contingent expenses of the Assembly, and twelve dollars and fifty cents to be paid from the fund for the contingent expenses of the Senate. The Controller is hereby directed to draw warrants in accordance with this resolution, and the Treasurer of the State is authorized to pay said warrants. Payment for translating inaugural address.

Resolved, That a certain joint resolution, relating to the payment of money to the said Fabian Kunhardt, as compensation for translating the said inaugural address, adopted by the Assembly February twenty-fifth, eighteen hundred and seventy-six, is hereby annulled and declared void. Former resolution annulled.

No. XXXVII.—*Senate Concurrent Resolution No. 45.*

[Adopted March 24, 1876.]

Clerk to
correct bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby authorized and directed to make the following correction in Senate Bill No. 435: Strike out in line four, section three of the bill, as enrolled, the words "at each annual election," and insert in lieu thereof "biennially."

No. XXXVIII.—*Senate Concurrent Resolution No. 46.*

[Adopted March 24, 1876.]

Clerk to
correct bill.

Resolved by the Senate, the Assembly concurring, That the Governor be requested to return Senate Bill No. 339, for the purpose of making a clerical correction, and that the Enrolling Clerk be authorized to change the word "construction" to the word "repair," where such word "construction" occurs.

No. XXXIX.—*Senate Joint Resolution No. 53.*

[Adopted March 28, 1876.]

Additional
sections
added to
bills.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby authorized and directed to add an additional section to Senate Bill No. 289, to read as follows: Section seven. This Act shall take effect from and after its passage. Also, an additional section to Senate Bill No. 290, to read as follows: Section two. This Act shall take effect from and after its passage.

No. XL.—*Senate Concurrent Resolution No. 42.*

[Adopted March 29, 1876.]

Payment of
funeral ex-
penses of the
late J. W.
Mandeville.

Resolved by the Senate, the Assembly concurring, That Byers & Fritz be paid the sum of four hundred and eight dollars and fifty cents, being the full amount of the funeral expenses of the late James W. Mandeville; one-half of said sum to be paid out of the Contingent Fund of the Senate, and the balance out of the Contingent Fund of the Assembly.

No. XLI.—*Assembly Concurrent Resolution No. 17.*

[Adopted March 29, 1876.]

Memorial to the Senate and House of Representatives of the United States, in Congress assembled :

First—Your memorialists of the Legislature of the State of California respectfully represent to your honorable body that the detritus discharged from the hydraulic mines located upon the head-waters of the Sacramento, Feather, Yuba, American, and Bear Rivers, and numerous other smaller streams, all of which flow into the Bay of San Francisco, is having the direct effect of filling up all of those streams with sand and mountain debris, until many of them have now reached their highest banks, thereby threatening the villages and towns located on or near them with inundation, and destruction of life and property, as well as obstructing, to a great extent, the navigation of the Feather and Sacramento Rivers, upon which the inhabitants of the Sacramento Valley are principally dependent for cheap transportation.

Memorial concerning the protection of the bays and rivers from mining debris.

Second—We would further respectfully represent that the discharge of this detritus is gradually filling up our magnificent bays and menacing the safety of the Harbor and Bay of San Francisco. It has been estimated by one of our most accomplished engineers, T. J. Arnold, Engineer of the State Board of Harbor Commissioners, that the debris being washed into the bay is sufficient in quantity to cover, annually, one square mile to a depth of forty-one feet; and that it will take but fifteen years to fill Suisun Bay; but thirty-one years to complete the destruction of San Pablo Bay, after which the Bay of San Francisco proper is the only receptacle left for the entire debris washed from the mines. The above estimates are founded on the discharge of debris that is actually now occurring. When we consider the growing increase of hydraulic mining, we realize that the danger is more imminent and the destruction nearer at hand.

Same.

Third—We would further respectfully represent that some of the most beautiful and alluvial lands of the Upper Sacramento Valley have been and are being covered up with an unproductive mining debris, thereby destroying thousands of acres of arable lands and valuable property. There has already been destroyed upon the Sacramento, Feather, Yuba, Bear, and American Rivers, and other smaller streams, over seventy-five thousand acres of land, valued at over six million dollars. The improvements on these were worth fully as much more, which would make a sum of over twelve million dollars' worth of property which has thus been destroyed.

Same.

Fourth—We would further respectfully represent that the farmers in the locality of these streams have, for a number of years past, been building and constructing a succession of levees and embankments along the low lands adjacent to these streams, at a cost of more than two million dollars, and that the inhabitants of Sacramento City have filled in and

Same.

Memorial concerning the protection of the bays and rivers from mining debris.

raised the best portion of said city to a height of fifteen feet, and have surrounded the entire city with an embankment of the same height. This work cost more than a million of dollars. That the City of Marysville has expended thousands of dollars in the construction of a series of embankments, and that other towns and villages have, and are expending vast sums of money to secure themselves from overflow and destruction, and while these efforts have thus far protected them, unless some decided steps are soon taken for their relief, it will be impossible to longer resist the encroachments of the water and debris, and destruction will inevitably follow.

Same.

Fifth—We would further respectfully represent that it is not the desire of your memorialists to infringe upon the rights of an interest so great and productive as that of mining. It is yet far from reaching its maturity; it is, in fact, but in its infancy. The improved appliances now in use, and the valuable improvements being made for mining purposes, cannot fail to increase its importance and materially add to the wealth of the State. But believing that no one interest should be fostered to the detriment and injury of another, and being of the opinion that some plan or plans can be devised by which relief and protection may be afforded to the one interest without serious damage to the other, we therefore pray that this subject may receive the attention which its importance demands; therefore, be it

Action of the government desired.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested: 1st. To place this memorial before Congress, and urge the immediate consideration of, and the early action upon the matters therein embraced. 2d. To urge upon Congress the adoption of such measures as will result in the protection of our valley lands, harbors, and bays from the serious injury being done to them by the discharge of detritus from hydraulic mines, and which, at the same time, will not have the effect of impairing or crippling the interests of hydraulic mining. 3d. To urge upon Congress the necessity of the United States Government sending to this coast one or more competent civil engineers for the purpose of collecting information as to the extent of hydraulic mining in the State; also, to ascertain, as accurately as may be, the amount of detritus annually discharged from hydraulic mines into the Sacramento, Feather, Yuba, Bear, American, and other rivers, and into the bays of this State; also, to inquire into the feasibility and probable cost of diverting and controlling said detritus, so as to deposit the same upon swamp and overflowed lands, or upon the foot-hill lands, or retaining the same in the mountains, or to suggest any other plan or plans as will prevent injury to the valley lands, rivers, or bays of the State, for the purpose of laying the same before Congress at a subsequent session.

Resolved, That his Excellency, Governor William Irwin, be respectfully requested to forward, without delay, a copy of this memorial and these resolutions to each of our Senators and Representatives in Congress.

No. XLII.—*Assembly Concurrent Resolution No. 53.*

[Adopted March 29, 1876.]

WHEREAS, Controversies have arisen between the settlers upon certain lands known as Mexican grants in this State, and those claiming under the several Acts of Congress granting lands to certain railroad companies of this State; and, whereas, various suits have been commenced by the parties claiming such lands under said Acts of Congress, against the settlers claiming said lands under the homestead and preëmption laws; and, whereas, by the decision of the United States Circuit Court, the lands within the exterior limits of such Mexican grants were not reserved, but after their rejection by the proper authorities, did pass, like other lands, to said railroad companies; and, whereas, by the decision of the Department of the Interior, promulgated prior to the rendering of said decision of the Circuit Court of the United States, these said lands were reserved in the event of the rejection of the same, subsequent to the location of the road on the grant, under which said lands were, in many instances, located by preëmptors and homestead claimants, who have in good faith settled and improved the same; and, whereas, by this conflict of views harassing and annoying litigation is likely to ensue, and has already commenced, which will prove injurious to the State and ruinous to the settlers, and greatly retard improvement in rich and valuable sections of the State; therefore, be it

Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to advocate the passage of a law by Congress, giving to said railroad companies, or their assigns, scrip or other lands in lieu of the lands now claimed by them under said Acts of Congress, provided they surrender all right and title to such lands, or that they procure the passage of some law that will do justice to the people who have in good faith settled upon and improved these lands under the law as promulgated by the Land Departments of the United States. Further

Resolved, That the Governor transmit copies hereof to our Senators and Representatives in Congress.

Lands to railroad companies in lieu of certain lands granted.

No. XLIII.—*Assembly Concurrent Resolution No. 56.*

[Adopted March 29, 1876.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be authorized and instructed to correct Assembly Bill No. 775, by striking out, on page three, line seven, the words "two-thirds of the owners of the front feet," and substituting therefor the words "the owners of two-thirds of the front feet."

Clerk to correct bill.

No. XLIV.—*Assembly Concurrent Resolution No. 36.*

[Adopted March 30, 1876.]

Preamble. WHEREAS, A safe and stable currency is essential to the prosperity of a people; and, whereas, experience has long since shown that such a currency can only be furnished by the precious metals; therefore, by the Assembly, with the concurrence of the Senate, be it

Specie payments.

Resolved, That the people of the State of California, as shown by their entire history and course of action, are opposed to the inflation or further expansion of the paper currency of the country, whether consisting of legal tenders or bank issues; that therefore they favor the earliest possible return to specie payments by the Government and people, and to that end will support every constitutional and legitimate measure tending to that consummation.

Resolved, That his Excellency be requested to transmit copies of the foregoing to our Senators and Representatives in Congress.

No. XLV.—*Senate Concurrent Resolution No. 62.*

[Adopted March 31, 1876.]

Clerk to correct bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized and directed to correct a clerical error in the original printed bill, Senate Bill No. 383—An Act to incorporate the Town of Livermore—in line seventeen, section nine of said bill, by striking out the words “not to exceed,” and insert in lieu thereof the words “a tax not to exceed one-half of,” and to make the enrolled bill correspond thereto.

No. XLVI.—*Senate Concurrent Resolution No. 61.*

[Adopted March 31, 1876.]

Clerk to correct bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby directed to correct a clerical error in Senate Bill No. 355, by substituting the word “southeasterly” for the word “northeasterly,” on line thirty-three (33), of section four (4), of said bill.

No. XLVII.—*Senate Concurrent Resolution No. 60.*

[Adopted March 31, 1876.]

Secretary of State to donate Codes, etc.

Resolved by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby instructed to place at the disposal of Sir Redmond Barry, Chief Justice of Victoria,

and the Hon. Augustus Morris, of New South Wales, for the use of their Colonial Governments, two full sets of the Codes and Statutes continued in force, and that the Governor be requested to present to each of said gentlemen a set of the published reports of the Geological Survey of California.

No. XLVIII.—*Assembly Joint Resolution No. 58.*

[Adopted March 31, 1876.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be instructed to enroll Assembly Bill No. 605 out of its order. Clerk to enroll bill.

No. XLIX.—*Assembly Concurrent Resolution No. 64.*

[Adopted April 3, 1876.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby authorized to correct a clerical error in Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—so that in section one hundred and sixty-nine of the said bill the legal distance from the county seat of Mendocino County to Napa may read “one hundred” miles, instead of eighty-four (84) miles. Correction of bill.

No. L.—*Assembly Concurrent Resolution No. 63.*

[Adopted April 3, 1876.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby instructed to enroll Assembly Bill No. 294—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—out of its order. Clerk to enroll bill.

No. LI.—*Assembly Concurrent Resolution No. 62.*

[Adopted April 3, 1876.]

Resolved by the Assembly, the Senate concurring, That his Excellency the Governor be requested to return to the Assembly Assembly Bill No. 712—An Act to provide a supply of water for the Napa State Asylum for the Insane—for the purpose of correcting a clerical error; and that on return of said bill the Enrolling Clerk be instructed to insert in line (20) twenty of said enrolled bill, in section three, the words “to appraise” after the word “referees” and before the words “the value.” Correction of bill.

No. LII.—*Senate Concurrent Resolution No. 65.*

[Adopted April 3, 1876.]

Correction
of bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby directed to renumber the sections of Senate Bill No. 355 so that the same shall read consecutively.

No. LIII.—*Senate Concurrent Resolution No. 66.*

[Adopted April 3, 1876.]

Correction
of bill.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to renumber sections ten and eleven, so as to read sections nine and ten, in Senate Bill No. 134.

No. LIV.—*Assembly Concurrent Resolution No. 61.*

[Adopted April 3, 1876.]

Correction
of bill.

Resolved by the Assembly, the Senate concurring, That his Excellency the Governor be and he is hereby requested to return Assembly Bill No. 526—An Act concerning the construction of a boom on Mad River, in Humboldt County—to the Assembly, for the purpose of amending the same by striking out the word “fifty” and inserting the word “twenty” where it occurs in the first section of said bill.

No. LV.—*Assembly Concurrent Resolution No. 60.*

[Adopted April 3, 1876.]

Correction
of bill.

Resolved by the Assembly, the Senate concurring, That the Governor be requested to return to the Assembly, Assembly Bill No. 567, for the purpose of correcting a clerical error therein; and that the Enrolling Clerk of the Assembly be and he is hereby instructed, upon said return being made, to correct a clerical error therein, by striking out in the first section of said bill the word “exclusive,” and inserting in lieu thereof the word “concurrent.”

No. LVI.—*Assembly Concurrent Resolution No. 66.*

[Adopted April 3, 1876.]

Correction
of bill.

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be authorized to insert in the enrolled bill, Assembly Bill No. 816, in the title thereof, the words “to be called the West Side Irrigation District,” between the words “district” and “approved.”