

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

TWENTY-NINTH SESSION OF THE LEGISLATURE,

1891.

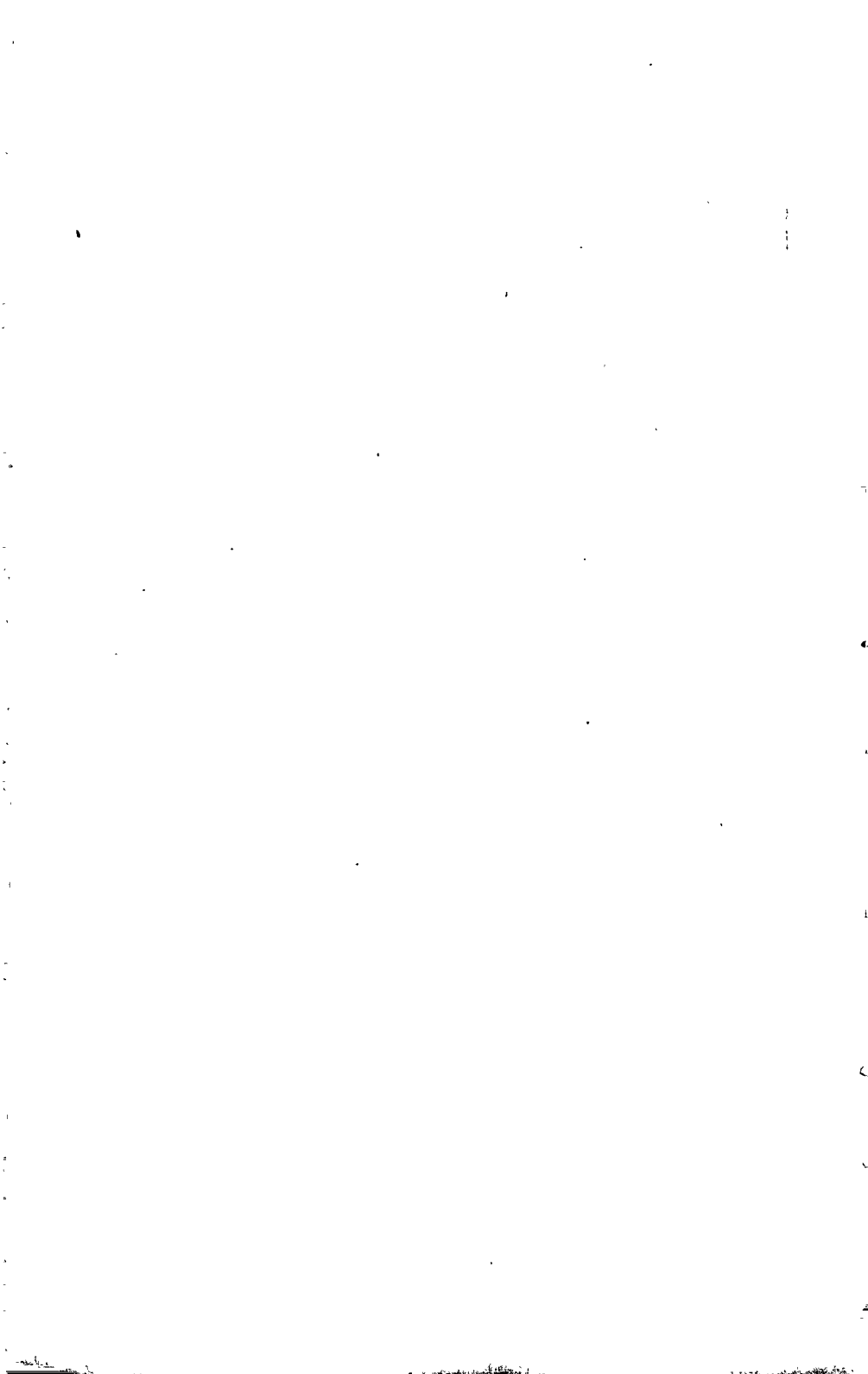
BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON WEDNESDAY,
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140	An Act to prohibit the coming of Chinese persons into the State, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this State, and fixing penalties and punishments for violation of this Act, and providing for deportation of criminals	S. B. 652....	185
141	An Act to amend Sections 799 and 800 of the Penal Code, relating to the limitation of time within which prosecution for murder, the embezzlement of public moneys, and the falsification of public records must be commenced, and providing the time within which informations may be filed, or indictments found, for other felonies	S. B. 238.....	192
142	An Act making an appropriation to provide for the deficiency in the appropriation for the pay of officers and clerks of the Assembly, for the twenty-ninth session of the Legislature	A. B. 758.....	193
143	An Act making an appropriation to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, twenty-ninth session	S. B. 701....	193
144	An Act to add a new section, to be known as Section 684 of the Political Code, in regard to the appointment of and fixing the salary of an assistant to the Secretary of the State Board of Examiners, and to appropriate money for the payment of his salary	S. B. 690.....	194
145	An Act to authorize Robert C. Ball to sue the State of California.....	A. B. 338.....	194
146	An Act to provide for the payment of the wages of mechanics and laborers employed by corporations.....	S. B. 281....	195

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148	An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco.....	S. B. 502.....	209
149	An Act to provide for the payment of funded indebtedness of the State of California, and to contract a funded debt for that purpose.....	S. B. 617.....	210
150	An Act to amend Section 1181 of the Civil Code of the State of California, as amended April 3, 1889, relating to the proof and acknowledgment of instruments.....	S. B. 76.....	214
151	An Act to amend an Act entitled "An Act to amend Section 3488 of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, and to make Sections 3446, 3447, 3449, 3450, 3452, 3453, 3454, 3455, 3456, 3457, 3459, 3460, 3461, 3462, 3463, 3465, 3466, 3467, 3468, 3471, 3472, 3473 of said Political Code, relating to the reclamation of certain lands within certain municipalities," approved March 19, 1889.....	S. B. 42.....	215
152	An Act making an appropriation for the payment of the repairs upon the quarantine launch "Governor Perkins".....	S. B. 9.....	216
153	An Act to pay the claim of James W. Rankin, for services in the office of the State Treasurer of California, and appropriate money therefor.....	S. B. 88.....	217
154	An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, larger beer, weiss beer, beer, white beer, or other beverages.....	S. B. 590.....	217
155	An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines in the State of California.....	S. B. 599.....	219
156	An Act to appropriate money to pay the claim of William Gutenberger, for the loss of tools and property destroyed at the Branch State Prison at Folsom.....	S. B. 335.....	221
157	An Act to determine that lands of this State are swamp and overflowed when returned as such by the United States Surveyor-General.....	A. B. 216.....	221
158	An Act making an appropriation for reimbursing the Japanese Government for moneys expended in the extradition of Calvin Pratt, a fugitive from the justice of this State, and to provide for transmitting the same to Japan.....	A. B. 404.....	222
159	An Act to authorize the State Prison Directors of the State of California to employ any unemployed prisoners to construct roads to the State Prison at San Quentin.....	A. B. 659.....	222
160	An Act making an appropriation to pay the deficiency in the appropriation for support of Insane Asylum at Stockton, for the fortieth fiscal year, ending June 30, A. D. 1889.....	A. B. 766.....	223

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X 161	An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds.	A. B. 542	223
162	An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.	S. B. 90	233
163	An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.	A. B. 68	233
164	An Act to provide for funding the indebtedness of Levee District No. 6, of Sutter County, and to provide for the payment of such funded debt.	A. B. 671	235
165	An Act authorizing the Controller and Treasurer to transfer to the General Fund all moneys now in the State Drainage Construction Fund, and also, from time to time, to transfer to the General Fund all moneys that may hereafter be paid into the State Drainage Construction Fund.	A. B. 292	237
166	An Act to define the boundary and provide for the government of Levee District No. 6, of Sutter County, California.	A. B. 670	237
167	An Act making an appropriation to pay the deficiency in the appropriation for the Attorney-General for the forty-second fiscal year, for costs and expenses of suits wherein the State is a party in interest.	A. B. 713	242
168	An Act making an appropriation to pay the deficiency in the appropriation for expenses that may be incurred by the Attorney-General, for the forty-second fiscal year, in suits in the United States Courts.	A. B. 723	242
169	An Act providing for the payment of all moneys in the State Treasury, to the credit of Swamp Land District Funds, to the Treasurers of the counties wherein the said swamp land districts are situated, and to provide for the control of the same by the Auditor and Treasurer of said counties; and prescribing the duties of the Controller and Treasurer in relation thereto.	A. B. 294	243
170	An Act authorizing the Controller to charge the sum of \$3,306 72 against the General Fund, to adjust a discrepancy existing between the books in his office and those of the office of the State Treasurer, because of payments of warrants from the General Fund which had been drawn against the State Drainage Construction Fund and Construction Fund of Drainage District No. 1.	A. B. 296	244
171	An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, by amending Sections 18, 24, 25, and 26 thereof, relating to the assessment of property and the collection of such assessments.	A. B. 586	244
172	An Act amending Sections 1577, 1578, and 1579 of the Code of Civil Procedure, relating to mortgages and leases in certain cases.	A. B. 576	247

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173	An Act to authorize the Governor and Surveyor-General to sell and convey the State's interest in certain land	A. B. 235....	251
174	An Act to repeal Sections 639, 640, 641, 642, 643, 644, 645, and 647 of Title XVI of Part IV, Division I, of the Civil Code, and to add seventeen new sections to said Civil Code, to be known and numbered as Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, and 648½, providing for the formation and government of mutual building and loan associations	A. B. 633....	252
175	An Act to authorize the Board of Fish Commissioners of this State to purchase the land on which the State fish hatcheries at Sisson are now situated, and appropriating money therefor	S. B. 215....	258
176	An Act to establish a naval battalion, to be attached to the National Guard of California	S. B. 463....	258
177	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 19, 1889.....	S. B. 133....	260
178	An Act for the relief of Colonel Jonathan D. Stevenson, and to appropriate money therefor	S. B. 702....	260
179	An Act to extend the jurisdiction of the Board of State Harbor Commissioners over East Street, San Francisco	S. B. 561....	261
180	An Act to appropriate the sum of \$3,100 to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon	S. B. 346....	261
181	An Act ceding to the United States of America jurisdiction over lands in this State ceded to the United States	S. B. 693....	262
182	An Act to amend Section 3 and Section 13 of an Act entitled "An Act to promote drainage," approved March 18, 1885....	S. B. 442....	262
183	An Act to declare the bridge across Feather River, extending from Fifth Street, at the city of Marysville, in the county of Yuba, to the opposite bank of said river, a free bridge.....	S. B. 564....	263
184	An Act to amend an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed	S. B. 51....	264
185	An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes	S. B. 104....	264
186	An Act to amend Section 737 of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Tulare, Fresno, Solano, Contra Costa, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, Yolo, and Calaveras	S. B. 638....	267
187	An Act authorizing the Attorney-General to dismiss those certain actions pending in the Superior Court of the City and County of San Francisco, and numbered 11,706, 11,925, 11,926, upon payment to him for the use of the State of certain moneys	S. B. 375....	268

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188	An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881," approved March 19, 1889	S. B. 151	268
189	An Act to empower the Board of State Harbor Commissioners to rectify the alignment of East Street, from Pacific Street to Market Street, in the City and County of San Francisco, and to sell, acquire, and condemn adjacent property	S. B. 569	270
190	An Act providing for the dissolution and winding up of savings banks, trust companies, and banks of deposit, and providing for the disposition of all funds deposited therein and not claimed within five years after such banks have ceased to do business, or after the commencement of proceedings to dissolve	S. B. 684	271
191	An Act to amend Sections 1217, 1220, 1221, 1223, 1224, 1225, 1226, 1227, 1229, and 1230 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to execution of judgments of death	S. B. 431	272
192	An Act to enable the Coulterville and Yosemite Turnpike Company, a corporation, to sue the State of California for the loss and damage suffered and sustained by said corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company	S. B. 516	275
193	An Act to amend Section 158 of the Code of Civil Procedure of the State of California, relating to the residence of Judges of the Superior Court	A. B. 230	277
194	An Act to appropriate \$5,000 for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects	A. B. 195	277
195	An Act to add a new section to the Code of Civil Procedure, said section to be designated as Section 749, relating to the quieting of title to real property	A. B. 90	278
196	An Act to add an additional section to the Penal Code, to be known as Section 159½, making it a misdemeanor to advertise to obtain a divorce, or to aid therein	A. B. 129	279
197	An Act authorizing the Controller and Treasurer to transfer to the General Fund all moneys to the credit of the Construction Fund of Drainage District No. 1, and also from time to time to transfer to the General Fund all moneys that may hereafter be paid into said Construction Fund of Drainage District No. 1	A. B. 293	279
198	An Act fixing a bounty on coyote scalps	S. B. 432	280
199	An Act to provide a salary for the Keeper of the Archives in the office of the Secretary of State, for the balance of the forty-second fiscal year	S. B. 699	280
200	An Act appropriating money to pay the salary of phonographic reporter in the Attorney-General's office, from the first of April to the first of July, 1891	S. B. 700	281
201	An Act to amend Section 1096 of the Political Code of the State of California, in relation to registration of voters	S. B. 456	281

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203	An Act making an appropriation to pay the Assistant Journal Clerks of the Senate (twenty-sixth session of the Legislature), for completing the Journal of the Senate.....	S. B. 478.....	282
204	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as Section 218, relating to train wrecking and the punishment thereof.....	S. B. 167.....	283
205	An Act to encourage the cultivation of ramie in the State of California, to provide a bounty for ramie fiber, and to make an appropriation therefor; to appoint a State Superintendent of Ramie Culture, and make an appropriation for his salary.....	S. B. 334.....	283
206	An Act to prevent the placing or keeping or leaving of married women in houses of prostitution, and to punish persons therefor.....	A. B. 603.....	285
207	An Act to amend the Civil Code, relative to articles of incorporation.....	A. B. 493.....	285
208	An Act to amend Section 3460 of the Political Code of the State of California, in reference to making assessments on land in swamp land districts.....	A. B. 720.....	286
209	An Act to add an additional section to the Political Code, to be numbered 4259, relating to the qualifications of District Attorney.....	A. B. 36.....	287
210	An Act to amend Section 7 of an Act entitled "An Act to create a Police Relief, Health, and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State.....	A. B. 208.....	287
211	An Act to amend Section 3466 of the Political Code, relating to the collection of assessments made by Commissioners of Assessment in reclamation districts of this State.....	A. B. 512.....	288
212	An Act to provide for, insure, and maintain preference in the appointment, employment, and retention in the public service, and upon public works of the State of California, of honorably discharged ex-Union soldiers, sailors, and marines of the War of the Rebellion.....	A. B. 455.....	289
213	An Act providing for the cancellation of certain receipts which were directed by law to be received as cash by the State Treasurer; and authorizing the Controller and Treasurer to make the proper entries in the books of their respective offices.....	A. B. 295.....	290
214	An Act to amend an Act entitled "An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March 18, 1885, and to provide for Clerks of Police Courts in cities of twenty-six thousand and under fifty thousand inhabitants.....	A. B. 115.....	292
215	An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.....	S. B. 391.....	294
216	An Act to establish a uniform system of county and township governments.....	S. B. 678.....	295

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218	An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and designated as Section 1670, relating to the continuation of administration upon the estates of deceased persons.....	S. B. 200....	423
219	An Act to provide for the appointment of a Guardian for the Marshall monument and grounds, prescribing his duties, and appropriating money therefor.....	S. B. 342....	424
220	An Act to amend Section 172 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the husband's control and disposition of the community property.....	S. B. 120....	425
221	An Act to amend Section 256 of the Political Code of the State of California, to provide for the printing of the daily Journal of each House of the Legislature, and to repeal Section 257 of said Code.....	S. B. 454....	425
222	An Act adding a new section to the Political Code of the State of California, to be known and designated as Section 529, relative to the engrossment and enrollment of bills and other documents, and repealing Sections 248 and 249 of said Code.....	S. B. 455....	426
223	An Act to amend Section 1305, Section 1373, Section 1552, Section 1633, and Section 1634 of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1873, all relating to estates of deceased persons.....	S. B. 135....	427
224	An Act to amend an Act entitled "An Act to provide for the building and furnishing of the Home for Soldiers' Widows and Orphans, and Army Nurses, and for the State to inquire into the management of such institution, by a uniform rule proportioned to the number of inmates in said institution, for the management of the same, and for the support of indigent persons residing in the said Home," approved March 16, 1889.....	S. B. 492....	428
225	An Act to establish law libraries.....	A. B. 691.....	430
226	An Act to provide for Police Courts in cities having fifteen thousand and under eighteen thousand inhabitants.....	A. B. 18....	433
227	An Act to amend Section 1431 of an Act entitled "An Act to establish a Code of Civil Procedure of California," relating to proceedings pending in the Superior Court in relation to and for the settlement of estates of deceased persons.....	A. B. 611....	435
228	An Act to appropriate money to pay for the services of W. L. Wolfe, assistant at Los Angeles to the Commissioner of the Bureau of Labor Statistics.....	A. B. 500....	436
229	An Act to amend Sections 3454 and 3455 of the Political Code of this State, relating to the powers and duties of Boards of Trustees of reclamation districts formed for the reclamation of swamp and overflowed lands.....	A. B. 589....	436
230	An Act to amend Sections 3665, 3666, 3667, 3668, 3669, 3670, 3672, 3692, 3696, 3714, 3728, 3732, 3746, 3750, 3751, 3756, 3758, 3764, 3797, 3800, 3816, and 3866, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.....	A. B. 87....	438

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231	An Act to appropriate the sum of five thousand dollars for the benefit of the sufferers from the Tia Juana flood of the twenty-second of February, 1891, and to provide for its payment to the Board of Supervisors of San Diego County, and its distribution to the sufferers.....	A. B. 759....	450
232	An Act appropriating money for the payment of the salary, from March 24, 1891, to July 1, 1891, of the Deputy Attorney-General.....	S. B. 704....	451
233	An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-second fiscal year.....	S. B. 682....	451
234	An Act to authorize the use of the ballot paper now the property of the State.....	S. B. 697....	452
235	An Act authorizing the State Board of Examiners to sell old furniture and all material belonging to the State and not required for public use.....	S. B. 685....	452
236	An Act fixing the rate of tare on baled hops.....	S. B. 272....	452
237	An Act to amend Section 5 of an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.....	S. B. 686....	453
238	An Act to provide for the publication and distribution of a State Blue Book or Roster.....	S. B. 655....	454
239	An Act to amend Section 2 of an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance, within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885. Amended so as to read as follows.....	S. B. 588....	454
240	An Act to amend Section 3926 of the Political Code, relating to the boundary of Sutter County.....	S. B. 125....	455
241	An Act to amend Section 108 of the Code of Civil Procedure of the State of California, relating to Justice's Courts.....	S. B. 124....	456
242	An Act to amend Section 3 of "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1870.....	S. B. 341....	457
243	An Act expressing assent of the State of California to the Act of Congress, approved August 30, 1890, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress, approved July 2, 1862," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof.....	S. B. 471....	458
244	An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said Act relative to changing grades.....	S. B. 554....	461

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245	An Act making an appropriation to pay the claims of Charles F. Reed, C. B. Grunsky, and J. J. Crawford, for expenses incurred as members of the Examining Commission on Rivers and Harbors, approved March 19, 1889	S. B. 170	466
246	An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The People of the State of California, ex rel. John P. Dunn, State Controller, plaintiff, vs. Frank W. Cross, John Martin, and John Landers, defendants," wherein judgment was obtained against defendants in the Superior Court of the City and County of San Francisco, on the 18th day of December, 1889, which action is numbered 12,902 in said Court (now on appeal to the Supreme Court), upon payment to him for the use of the State of such moneys as he may deem advisable to accept.	S. B. 644	467
247	An Act to amend Section 309 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to declaring dividends by Directors of corporations, and repealing Section 309 of said Code	S. B. 567	468
248	An Act to amend an Act entitled "An Act to create a Police Relief, Health, Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889	S. B. 329	469
249	An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be numbered 1856 and 1857, relating to the lien of depositaries for hire	A. B. 501	470
250	An Act to amend Sections 3713 and 3896 of the Political Code, relating to the levy of taxes	A. B. 760	470
251	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the State Controller	A. B. 740	471
252	An Act to amend an Act entitled "An Act to establish a Penal Code," approved March 12, 1885, by amending Section 626 of the Penal Code, relating to the laws for the preservation of game birds and animals	A. B. 786	472
253	An Act to prevent destruction by fire of property of contiguous owners	A. B. 507	473
254	An Act to amend Sections 2641, 2642, 2643, 2645, 2646, and 2652, and to repeal Section 2644 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of highway officers, and to provide for the construction, maintenance, and improvements of highways by contract let out to the lowest bidder	A. B. 685	474
255	An Act to define the duties of and to license land surveyors	A. B. 238	478
256	An Act to amend Sections 1, 9, and 17 of "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March 11, 1880	S. B. 330	481
257	An Act to provide for the purchase of a portrait of ex-Governor Waterman, by the State Board of Examiners, and to appropriate money therefor	S. B. 295	483
258	An Act to provide for the improvement of the Reform School at Whittier, California, for Juvenile Offenders, and make an appropriation for the same	S. B. 27	484
259	An Act to provide for the erection of additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to complete buildings now being erected, and to appropriate money therefor	S. B. 181	485

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261	An Act to appropriate the sum of \$458 65, to pay the claim of William H. Murphy for money illegally paid the State of California.....	S. B. 172.....	486
262	An Act to provide for certain improvements and repairs at the Folsom State Prison, and making an appropriation therefor.....	S. B. 44.....	487
263	An Act to establish a standard of weights and measures.....	S. B. 234.....	487
264	An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations.....	S. B. 393.....	490
265	An Act appropriating money for the maintenance and support of the Sacramento Home for Foundlings, and providing for the control and disbursement thereof by the State Board of Examiners.....	S. B. 624.....	494
266	An Act making an appropriation for additional improvements for the Southern California State Hospital for the Insane.....	S. B. 600.....	495
267	An Act to amend Section 2468 of the Political Code, relating to pilotage.....	A. B. 703.....	496
268	An Act to authorize the State Board of Prison Directors to pay for certain skilled labor used in the construction of the dam and canal at the Folsom Prison, and making an appropriation therefor.....	A. B. 377.....	496
269	An Act to provide for the erection of additional buildings for the use of the State Normal School at San José, California, and making an appropriation therefor.....	S. B. 290.....	497
270	An Act making an appropriation for the support of the government of the State of California for the forty-third and forty-fourth fiscal years.....	A. B. 561.....	497
271	An Act to add a new section to the Political Code, to be numbered Section 2623, in relation to vacating public roads.....	S. B. 5.....	508
272	An Act to amend Section 751 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Clerk of the Supreme Court, and to appropriate money to pay the salary of additional deputy.....	S. B. 531.....	508
273	An Act to amend Section 2682 of the Political Code of the State of California, in relation to the character of petitions to be presented for the purpose of altering, laying out, or constructing, or discontinuing, or abandoning of any public highway.....	S. B. 4.....	509
274	An Act to amend Section 2688 of the Political Code of the State of California, concerning the hearing of the reports of viewers of public highways by Board of Supervisors, and the manner, time, and place of hearing such report, and the method of giving notice of such time and place to non-consenting land owners, and concerning damages to be awarded on such hearing.....	S. B. 3.....	509
275	An Act to provide hearing compensation to G. B. Montgomery for professional services rendered the State of California, at the request of the Attorney-General.....	A. B. 78.....	510

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276	An Act to amend Section 6, and to repeal Section 63, of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, relating to the appointment of receivers, and the care and disposition of the property of insolvent debtors, during the pendency of insolvency proceedings, and before the election of an assignee -----	A. B. 193.....	511
277	An Act for the relief of Agnes Lynch, widow of Hugh J. Lynch, for injuries received by said Lynch while in the service of the State, which caused his death.....	A. B. 747.....	512
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LIST OF OFFICERS.

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

STATE OFFICERS.

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

STATE BOARD OF EQUALIZATION.

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

JUSTICES AND CLERK OF SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
W. H. Beatty.....	Chief Justice.....	San Francisco.
C. H. Garoutte.....	Associate Justice.....	Woodland.
R. C. Harrison.....	Associate Justice.....	San Francisco.
J. J. De Haven.....	Associate Justice.....	Humboldt County.
J. R. Sharpstein.....	Associate Justice.....	San Francisco.
T. B. McFarland.....	Associate Justice.....	San Francisco.
A. Van R. Paterson.....	Associate Justice.....	San Joaquin County.
L. H. Brown.....	Clerk.....	Yolo County.

LIST OF OFFICERS.

SENATORS.

J. B. REDDICK.....President.

District.	NAME.	County.	Post Office.
1	F. McGowan	Humboldt and Del Norte	Eureka.
2	R. H. Campbell	Trinity, Siskiyou, and Shasta	Etna.
3	M. H. Mead	Modoc, Lassen, Plumas, and Sierra	Logansville.
4	W. A. Shippee	Butte	Chico.
5	E. M. Preston	Nevada	Nevada City.
6	J. H. Seawell	Mendocino and Lake	Ukiah.
7	Thos. Fraser	Placer and El Dorado	Placerville.
8	H. C. Wilson	Tehama and Colusa	Corning.
9	F. S. Sprague	Yolo and Napa	Woodland.
10	J. W. Ragsdale	Sonoma	Santa Rosa.
11	G. J. Campbell	Solano	Vallejo.
12	D. A. Ostrom	Yuba and Sutter	Wheatland.
13	F. R. Dray	Sacramento	Sacramento.
14	E. C. Voorhies	Amador and Calaveras	Sutter Creek.
15	F. C. De Long	Marin and Contra Costa	Novato.
16	Eli S. Denison	Alameda	958 8th St., Oakland.
17	W. E. Dargie	Alameda	Oakland.
18	Wm. Simpson	Alameda	Alameda.
19	J. W. Welch	San Francisco	670 Harrison St.
20	Geo. H. Williams	San Francisco	908 Clay St.
21	W. O. Banks	San Francisco	1418½ Washington St.
22	Dan'l H. Everett	San Francisco	1616 Larkin St.
23	W. H. Williams	San Francisco	115 Fifth St.
24	J. H. Mahoney	San Francisco	381 Montgomery St.
25	Jas. E. Britt	San Francisco	403 Eighth St.
26	John T. Broderick	San Francisco	1838 Howard St.
27	John E. Hamill	San Francisco	Care Supt. Sts.
28	Thos. C. Maher	San Francisco	627 Twenty-third St.
29	B. F. Langford	San Joaquin	Lodi.
30	T. D. Harp	Merced, Stanislaus, and Tuolumne	Modesto.
31	A. W. Crandall	Santa Clara	San José.
32	W. C. Bailey	Santa Clara	San José.
33	J. D. Byrnes	San Mateo and Santa Cruz	San Mateo.
34	G. G. Goucher	Mariposa, Alpine, Mono, and Fresno	Fresno.
35	Thos. Flint, Jr.	Monterey and San Benito	Hollister.
36	G. S. Berry	Inyo, Tulare, and Kern	Visalia.
37	E. H. Heacock	Santa Barbara, San Luis Obispo, Ventura	Santa Barbara.
38	R. B. Carpenter	Los Angeles and Orange	Los Angeles.
39	J. E. McComas	Los Angeles	Pomona.
40	H. M. Streeter	San Diego and San Bernardino	Riverside.

OFFICERS AND CLERKS OF THE SENATE.

NAME.	OFFICIAL POSITION.
J. B. Reddick	President.
Thomas Fraser	President pro tem.
F. J. Brandon	Secretary.
J. C. Boatman	Assistant Secretary.
R. L. Thomas	Assistant Secretary.
Thomas Rodgers	Sergeant-at-Arms.
C. S. McMullan	Minute Clerk.
F. A. Rossi	Journal Clerk.
J. A. Harney	Engrossing Clerk.
J. H. Dungan	Enrolling Clerk.
T. B. Gardner	Assistant Sergeant-at-Arms.
Mrs. E. Tobias	Postmistress.

ASSEMBLYMEN.

FRANK L. COOMBS

Speaker.

District.	NAME.	County.	Post Office.
1	Geo. B. Robertson	Del Norte and Siskiyou	Yreka.
2	A. J. Bledsoe	Humboldt	Eureka.
3	E. D. Kellogg	Humboldt	Fortuna.
4	T. W. H. Shanahan	Trinity and Shasta	Anderson.
5	A. J. Jackson	Modoc and Lassen	Alturas.
6	F. G. Hail	Plumas and Sierra	Greenville.
7	Jas. T. Matlock	Tehama	Red Bluff.
8	T. H. Barnard	Butte	Chico.
9	J. J. Smith	Butte	Oroville.
10	H. P. Eakle	Colusa	Williams.
11	Geo. Sturtevant	Mendocino	Samel.
12	Jas. H. Renfro	Lake	Kelseyville.
13	H. P. Stabler	Sutter and Yuba	Yuba.
14	Michael Garver	Nevada	Nevada City.
15	Thos. Hocking	Nevada	Grass Valley.
16	Dr. Noble Martin	Placer	Dutch Flat.
17	W. E. Baughman	El Dorado	Cool.
18	Jud. C. Brusie	Sacramento	Sacramento.
19	Elwood Bruner	Sacramento	Sacramento.
20	Gillis Doty	Sacramento	Elk Grove.
21	Reese Clark	Yolo	Woodland.
22	Frank L. Coombs	Napa	Napa.
23	Frank J. Murphy	Sonoma	Guerneville.
24	J. D. Barnett	Sonoma	Santa Rosa.
25	H. L. Weston	Sonoma	Petaluma.
26	Chas. Durner	Solano	Benicia.
27	J. C. Wolfskill	Solano	Suisun.
28	Thos. H. Estey	Marin	Nicasio.
29	Jas. H. Daly	San Francisco	632 Market St.
30	Thos. J. Tully	San Francisco	45 Natoma St.
31	John Hayes	San Francisco	823 $\frac{1}{2}$ Montgomery St.
32	Geo. E. Lewis	San Francisco	914 Sansome St.
33	F. L. Jones	San Francisco	1312 Kearny St.
34	A. L. Lux	San Francisco	1114 Vallejo St.
35	Wm. J. Dunn	San Francisco	37 Louisa St.
36	John P. Glynn	San Francisco	351 Tehama St.
37	M. W. Coffey	San Francisco	37 $\frac{1}{2}$ Madison Ave.
38	A. T. Barnett	San Francisco	1084 Howard St.
39	Chas. S. Arms	San Francisco	120 Seventh St.
40	Thos. W. Dennis	San Francisco	339 $\frac{1}{2}$ Tenth St.
41	Henry C. Dibble	San Francisco	1910 Washington St.
42	Louis A. Phillips	San Francisco	1247 Franklin St.
43	Wm. E. Tennis	San Francisco	349 Grove St.
44	Geo. A. Wentworth	San Francisco	24 Octavia St.
45	Eugene F. Bert	San Francisco	662 Twentieth St.
46	Lawrence Hoey	San Francisco	431 $\frac{1}{2}$ Seventh St.
47	John T. Steltz	San Francisco	2740 Harrison St.
48	Jos. Windrow	San Francisco	S.W. cor. Mission and 26th Sts.
49	Alex. Gordon	San Mateo	Redwood City.
50	W. H. Galbraith	Santa Cruz	Santa Cruz.
51	Frank L. Fowler	Alameda	Livermore.
52	Fred. Bryant	Alameda	San Leandro.
53	J. G. McCall	Alameda	1027 8th St., Oakland.
54	E. S. Culver	Alameda	2117 Adeline St., Oakland.
55	E. G. Cram	Alameda	1513 Brush St., Oakland.
56	A. Ames	Alameda	Berkeley.
57	Geo. E. Carter	Contra Costa	Crockett.
58	R. S. Johnson	San Joaquin	Stockton.
59	J. L. Beecher, Jr.	San Joaquin	Stockton.
60	E. A. Freeman	Amador	Jackson.
61	Alex. Brown	Calaveras	Milton.
62	Frank T. Murnan	Tuolumne	Sonora.
63	E. E. Dow	Santa Clara	San José.
64	J. R. Lowe	Santa Clara	San José.
65	Geo. E. Hersey	Santa Clara	Gilroy.
66	J. S. Alexander	Stanislaus	Modesto.
67	T. H. Gould	Merced and Mariposa	Merced.

LIST OF OFFICERS.

ASSEMBLYMEN—Continued.

District	NAME.	County.	Post Office.
68	C. G. Cargill	San Benito	San Juan.
69	C. F. Lacey	Monterey	Salinas.
70	G. W. Mordecay	Fresno	Madera.
71	W. S. Cunningham	Tulare	Lemoore.
72	F. E. Hunewill	Alpine, Mono, and Inyo	Bridgeport.
73	Marcus Harloe	San Luis Obispo	Huasna.
74	W. A. Hawley	Santa Barbara	Santa Barbara.
75	T. H. Rice	Kern and Ventura	New Jerusalem.
76	F. N. Marion	Los Angeles	"E'ving Express," Los Angeles.
77	J. R. Mathews	Los Angeles	823 S. Spring St., Los Angeles.
78	A. Guy Smith	Los Angeles and Orange	Tustin.
79	John C. Lynch	San Bernardino	Cucamonga.
80	N. A. Young	San Diego	San Diego.

OFFICERS AND CLERKS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
F. L. Coombs	Speaker.
N. A. Young	Speaker pro tem.
H. A. Mason	Chief Clerk.
F. W. Whitmore	Assistant Clerk.
E. P. Beaton	Assistant Clerk.
Ed. J. Smith	Assistant Clerk.
H. J. McKusick	Sergeant-at-Arms.
G. E. Shinn	Assistant Sergeant-at-Arms.
W. J. Randall	Minute Clerk.
Benj. Warshauer	Assistant Minute Clerk.
W. T. Hamilton	Assistant Minute Clerk.
A. F. Chapman	Journal Clerk.
Sadie Burns	Assistant Journal Clerk.
A. Friedlander	Assistant Journal Clerk.
E. J. Niles	Engrossing Clerk.
A. L. Rossi	Enrolling Clerk.
Mrs. W. H. Hunter	Postmistress.

COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, AND EXPIRATION OF TERM.

CONNECTICUT.

NAME.	Residence.	Term Expires.
William A. Wright.....	New Haven.....	August 22, 1892.

COLORADO.

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

W. W. Moffitt.....	Washington.....	May 18, 1891.
Samuel C. Mills.....	Washington.....	December 16, 1891.
John C. Beall.....	Washington.....	April 24, 1892.
T. A. Duffy.....	Washington.....	April 5, 1894.
Chas. S. Bundy.....	Washington.....	July 16, 1894.
A. S. Taylor.....	Washington.....	December 15, 1894.

GEORGIA.

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

Simeon W. King.....	Chicago.....	February 15, 1893.
P. A. Hoyne.....	Chicago.....	August 2, 1893.
S. S. Willard.....	Chicago.....	December 26, 1893.
Edwin O. Falkner.....	Chicago.....	March 17, 1894.

KENTUCKY.

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

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

MARYLAND.

Walter D. Griscom.....	Baltimore.....	June 3, 1891.
J. K. Bartlett, Jr.....	Baltimore.....	August 29, 1893.
Phillip H. Hoffman.....	Baltimore.....	March 23, 1894.
G. E. Reardon.....	Baltimore.....	July 17, 1894.
Thos. M. Dobbin.....	Baltimore.....	February 17, 1895.

MASSACHUSETTS.

NAME.	Residence.	Term Expires.
Ed. J. Jones	Boston	December 16, 1891.
Henry M. Meek	Salem	March 19, 1892.
Frank D. Butrick	Boston	November 20, 1893.
Freeman M. Josselyn	Boston	December 26, 1893.
Samuel Jennison	Boston	March 3, 1894.
Daniel B. Whittier	Boston	April 5, 1894.
Charles H. Adams	Boston	January 21, 1895.

MICHIGAN.

Allen L. Bours	Detroit	September 13, 1892.
John B. Corliss	Detroit	May 21, 1894.

MISSOURI.

Julius Robertson	St. Louis	September 19, 1891.
C. D. Greene	St. Louis	October 21, 1891.
Arthur D. Greene	St. Louis	January 21, 1895.

MINNESOTA.

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

Chas. Henry Phelps	New York City	June 21, 1891.
S. Steinheimer	New York City	June 23, 1891.
Wm. H. Clarkson	New York City	July 1, 1891.
A. H. Nones	New York City	August 12, 1891.
Geo. H. Covey	New York City	October 18, 1891.
Frank W. Fullerton	New York City	November 16, 1891.
Bernard J. Kelly	New York City	November 21, 1891.
Charles Edgar Mills	New York City	December 1, 1891.
E. Jackson	New York City	December 15, 1891.
Wm. Moser	New York City	December 15, 1891.
Henry C. Banks	New York City	February 3, 1892.
Frederick A. Burnham	New York City	March 16, 1892.
Chas. T. Lunt	New York City	March 19, 1892.
Ella F. Braman	New York City	July 14, 1892.
Albert N. Osborne	Brooklyn	September 17, 1892.
Thomas Kilvert	New York City	November 1, 1892.
Wm. Shillaber	New York City	December 11, 1892.
S. B. Goodale	New York City	January 24, 1893.
Wm. F. Lett	New York City	April 24, 1893.
Rufus K. McHarg	New York City	June 21, 1893.
Vincent Rosemon	New York City	July 9, 1893.
Edwin F. Corey	New York City	October 14, 1893.
Chas. Taylor	New York City	January 3, 1894.
Geo. H. Taylor	New York City	April 5, 1894.
Monroe Crannell	Albany	April 8, 1894.
John A. Hillery	New York City	April 28, 1894.
W. E. Osborne	Brooklyn	May 2, 1894.
S. A. Emanuel	New York City	May 13, 1894.
Sam'l D. Folsom	New York City	May 13, 1894.
Emil Frenkle	New York City	August 18, 1894.
Thos. B. Clifford	New York City	October 21, 1894.
G. P. H. McVay	New York City	February 25, 1895.
Chas. Nettleton	New York City	April 8, 1895.

NEW JERSEY.

NAME.	Residence.	Term Expires.
John N. Bruns	Jersey City .....	..... July 16, 1894.

NEVADA.

Chas. E. Mack	Virginia City .....	..... October 1, 1892.
P. E. Shannon	Virginia City .....	..... October 2, 1892.

OHIO.

Gabriel Nelter	Cincinnati .....	..... January 16, 1892.
Lipman Levy	Cincinnati .....	..... January 4, 1893.
Joseph T. Harrison	Cincinnati .....	..... August 29, 1893.
Frank M. Raymond	Columbus .....	..... January 27, 1895.

OREGON.

Solomon Goldsmith	Portland .....	..... August 5, 1891.
Eugene D. White	Portland .....	..... August 5, 1891.
B. F. Clayton	Portland .....	..... December 23, 1891.
F. D. Knettner	Portland .....	..... June 28, 1894.

PENNSYLVANIA.

Kinley J. Tener	Philadelphia .....	..... May 3, 1891.
J. H. Wheeler	Philadelphia .....	..... May 18, 1891.
Edward Shippen	Philadelphia .....	..... February 8, 1892.
Wm. F. Robb	Pittsburg .....	..... October 3, 1892.
Edward H. Cloud	Philadelphia .....	..... October 29, 1892.
Wm. Jenks Fell	Philadelphia .....	..... February 8, 1893.
George W. Hunt	Philadelphia .....	..... February 14, 1894.
Sam'l L. Taylor	Philadelphia .....	..... March 10, 1894.
J. H. Wheeler	Philadelphia .....	..... June 9, 1894.
Joseph S. Hagen	Philadelphia July 14, 1894.

RHODE ISLAND.

Gilman E. Jopp	Providence October 28, 1891.
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TEXAS.

James D. Stevenson	San Antonio January 16, 1892.
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UTAH.

Chris. Diehl	Salt Lake City March 21, 1893.
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WASHINGTON.

H. K. Moore	Tacoma July 23, 1892.
E. D. Howard	Port Townsend October 1, 1892.
D. A. Clement	Spokane Falls .....	..... June 3, 1893.
Edgar D. Gilson	Ritzville .....	..... June 21, 1893.
R. D. Pitt	Tacoma .....	..... July 29, 1893.
Chas. F. Bailey	Port Townsend .....	..... December 16, 1893.
Conrad Fauntleroy	Seattle .....	..... February 14, 1894.
N. M. Singleton	Seattle .....	..... December 22, 1894.

GREAT BRITAIN.

NAME.	Residence.	Term Expires.
Edward J. Stanard	London	December 8, 1891.
Sydney A. Peddar	London	March 19, 1892.
Thos. R. Pennington	Liverpool	March 26, 1892.
Wm. Negus	London	October 29, 1892.
John Noble	Dublin	October 14, 1893.
Alfred Heales	London	December 14, 1893.
Edward Robinson	London	February 14, 1894.
Wm. Grain	London	June 10, 1894.
A. T. Davis	Liverpool	June 21, 1894.
J. T. Thompson	Berkenhead	June 21, 1894.
D. Carolan Rushe	Monaghan, Ireland	August 13, 1894.
I. H. Grain	London	December 9, 1894.

MEXICO.

W. J. DeGrass	City of Mexico	October 11, 1892.
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SANDWICH ISLANDS.

John H. Paty	Honolulu	December 3, 1891.
J. M. Monsarratt	Honolulu	April 2, 1893.

FRANCE.

Henry Cochard	Paris	August 15, 1892.
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CANADA.

Alex. W. Murdock	Toronto	May 3, 1891.
J. M. M. Duff	Montreal	September 19, 1891.

AUSTRALIA.

Hugh Penden Steel	Sydney	November 6, 1894.
Septimius W. Dowling	Sydney	January 24, 1895.

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION AT SACRAMENTO, MARCH THIRD, A. D. EIGHTEEN HUNDRED AND SEVENTY-NINE; SUBMITTED TO AND RATIFIED BY THE PEOPLE MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

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

or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

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

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

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

SEC. 4. For the purposes of voting, no person shall be deemed to have gained or lost a

residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

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

ARTICLE III.

DISTRIBUTION OF POWERS.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the use and benefit of any corporation, association, asylum, hospital, or any other institution not

under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children (or aged persons in indigent circumstances) such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half orphans, or abandoned children, (or aged persons in indigent circumstances) such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

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

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

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

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries and providing for their compensation.

Ninth—Regulating county and township business, or the election of county or township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State Treasury.

Sixteenth—Releasing, or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incur his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election, or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent and succession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

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

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

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons 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 the executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

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

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

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

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

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

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

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

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

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

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

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a

Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of Governor.

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

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

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

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

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

Sec. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided* that the six Associate Justices elected at the first election shall, at their first meet-

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

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

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

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

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

are Judges thereof, and shall apportion the business among themselves as equally as may be.

Sec. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof; and upon request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the Court, and sworn to try the cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

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

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

ARTICLE IX.

EDUCATION.

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

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

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

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

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

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be

established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.

Sec. 7. The Governor, Superintendent of Public Instruction, and the Principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [Amendment adopted November 4, 1884.]

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

CITIES, COUNTIES, AND TOWNS.

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

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

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

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

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

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

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

SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of Deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal

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

may be voted on separately without prejudice to others. [Amendment adopted November 4, 1890.]

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

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

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

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

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

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

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

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

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

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

Sec. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [Amendment adopted November 4, 1884.]

ARTICLE XII.

CORPORATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

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

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

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

dino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

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

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a reduction from credits of debts due bona fide residents of this State.

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

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

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

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

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

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

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

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [Amendment adopted November 4, 1884.]

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed

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

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

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

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

ARTICLE XIV.

WATER AND WATER RIGHTS.

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

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

ARTICLE XV.

HARBOR FRONTAGE, ETC.

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

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

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

ARTICLE XVI.

STATE INDEBTEDNESS.

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

stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

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

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

ARTICLE XIX.

CHINESE.

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

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

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

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a

form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 20. Elections of the officers provided for by this Constitution, except at the elec-

tion in the year eighteen hundred and seventy-nine, shall be held on the even numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

ARTICLE XXI.

BOUNDARY.

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

ARTICLE XXII.

SCHEDULE.

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

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

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

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

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

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before

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

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

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

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

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

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

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

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,
JAMES J. AYRES,
CLITUS BARBOUR,
EDWARD BARRY,
JAMES N. BARTON,
C. J. BEERSTECHEER,
ISAAC S. BELCHER,
PETER BELL,
MARION BIGGS,
E. T. BLACKMER,
JOSEPH C. BROWN,
SAM'L B. BURT,
JOSIAH BOUCHER,
JAMES CAPLES,
AUG. H. CHAPMAN,
J. M. CHARLES,
JOHN D. CONDON,
C. W. CROSS,
HAMLET DAVIS,
JAS. E. DEAN,
P. T. DOWLING,
LUKE D. DOYLE,
W. L. DUDLEY,

JONATHAN M. DUDLEY,
PRESLEY DUNLAP,
JOHN EAGON,
THOMAS H. ESTEY,
HENRY EDGERTON,
M. M. ESTEE,
EDWARD EWEY,
J. A. FILCHER,
SIMON J. FARRELL,
ABRAHAM CLARK FREEMAN,
JACOB RICHARD FREUD,
J. B. GARVEY,
B. B. GLASCOCK,
JOSEPH C. GORMAN,
W. P. GRACE,
WILLIAM J. GRAVES,
V. A. GREGG,
JNO. S. HAGER,
JOHN B. HALL,
THOMAS HARRISON,
JOEL A. HARVEY,
T. D. HEISKELL,
CONRAD HEROLD,

D. W. HERRINGTON,
 S. G. HILBORN,
 J. R. W. HITCHCOCK,
 J. E. HALE,
 VOLNEY E. HOWARD,
 SAM. A. HOLMES,
 W. J. HOWARD,
 WM. PROCTOR HUGHEY,
 W. F. HUESTIS,
 G. W. HUNTER,
 DANIEL INMAN,
 GEORGE A. JOHNSON,
 L. F. JONES,
 PETER J. JOYCE,
 J. M. KELLY,
 JAMES H. KEYES,
 JOHN J. KENNEY,
 C. R. KLEINE,
 T. H. LAINE,
 HENRY LARKIN,
 R. M. LAMPSON,
 R. LAVIGNE,
 H. M. LA RUE,
 DAVID LEWIS,
 J. F. LINDOW,
 JNO. MANSFIELD,
 EDWARD MARTIN,
 J. WEST MARTIN,
 RUSH McCOMAS,
 JOHN G. McCALLUM,
 THOMAS McCONNELL,
 JOHN McCOY,
 THOMAS B. McFARLAND,
 HIRAM MILLS,
 WM. S. MOFFATT,
 JOHN FLEMING McNUTT,
 W. W. MORELAND,
 L. D. MORSE,
 JAMES E. MURPHY,
 EDMUND NASON,
 THORWALD KLAUDIUS NELSON,
 HENRY NEUNABER,
 CHS. C. O'DONNELL,
 GEORGE OHLEYER,
 JAMES O'SULLIVAN,
 JAMES MARTIN PORTER,

WILLIAM H. PROUTY,
 M. R. C. PULLIAM,
 CHAS. F. REED,
 PATRICK REDDY,
 JOHN M. RHODES,
 JAS. S. REYNOLDS,
 HORACE C. ROLFE,
 CHAS. S. RINGGOLD,
 JAMES McM. SHAFER,
 GEO. W. SCHELL,
 J. SCHOMP,
 RUFUS SHOEMAKER,
 E. O. SMITH,
 BENJ. SHURTLIFF,
 GEO. VENABLE SMITH,
 H. W. SMITH,
 JOHN C. STEDMAN,
 E. P. SOULE,
 D. C. STEVENSON,
 GEO. STEELE,
 CHAS. V. STUART,
 W. J. SWEASEY,
 CHARLES SWENSON,
 R. S. SWING,
 D. S. TERRY,
 S. B. THOMPSON,
 F. O. TOWNSEND,
 W. J. TINNIN,
 DANIEL TUTTLE,
 P. B. TULLY,
 H. K. TURNER,
 A. P. VACQUEREL,
 WALTER VAN DYKE,
 WM. VAN VOORHIES,
 HUGH WALKER,
 JOHN WALKER,
 BYRON WATERS,
 JOSEPH R. WELLER,
 J. V. WEBSTER,
 JOHN P. WEST,
 PATRICK M. WELLEN,
 JOHN T. WICKES,
 WM. F. WHITE,
 H. C. WILSON,
 JOS. W. WINANS,
 N. G. WYATT.

STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-NINTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to authorize the Governor to employ a stenographer for his office, and to provide for the payment of his salary.

[Approved January 15, 1891.]

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

SECTION 1. The Governor of California is hereby authorized to appoint a stenographer to assist him in the duties of his office, and who shall serve during his pleasure. He shall perform such duties as may be assigned him by the Governor from time to time. The salary of such stenographer shall be sixteen hundred dollars per annum, payable as the salary of State officers.

Governor
to appoint
stenogra-
pher.

SEC. 2. The sum of eight hundred dollars is hereby appropriated out of the General Fund of the State Treasury for the payment of the salary of the stenographer during the forty-second fiscal year.

Appropriation.

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

CHAPTER II.

An Act to amend section two hundred and forty-five, two hundred and forty-six, and two hundred and sixty-eight of the Political Code of the State of California.

[Approved January 27, 1891.]

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

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

245. The officers and employes of the Senate consist of a President, President pro tem., one Secretary, two Assistant Sec-

Employés
of the
Senate

retaries, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, three Pages, three Porters, and one Postmaster, and one Assistant Postmaster, and such other officers and employés as may be deemed by the Senate necessary for the transaction of the business of the Senate.

SEC. 2. Section two hundred and forty-six of said Code is amended to read as follows:

Employés
of the
Assembly.

246. The officers and employés of the Assembly consist of a Speaker, Speaker pro tem., one Chief Clerk, two Assistant Clerks, one Sergeant-at-Arms, one Assistant Sergeant-at-Arms, one Minute Clerk, one Journal Clerk, one Enrolling Clerk, one Engrossing Clerk, four Porters, four Pages, and one Postmaster, and one Assistant Postmaster, and such other officers and employés as may be deemed by the Assembly necessary for the transaction of the business of the Assembly.

SEC. 3. Section two hundred and sixty-eight of said Code is amended to read as follows:

Compensation.

268. There must be paid to the Secretary, Assistant Secretaries, Minute, Journal, Enrolling, and Engrossing Clerks, and their Assistants, and Sergeant-at-Arms of the Senate, and Clerk and Bookkeeper to Sergeant-at-Arms of the Senate, and the Chief Clerk, Assistant Clerks, Minute, Journal, Enrolling, Engrossing Clerks, and their Assistants, and Clerk and Bookkeeper to Sergeant-at-Arms, and Sergeant-at-Arms of the Assembly, each eight dollars per day; to the Assistant Sergeant-at-Arms of the Senate and Assembly, each six dollars per day; to the Porters of the Senate and Assembly, each four dollars per day; to each Committee Clerk appointed by authority of either House, five dollars per day, except the Clerks of the Judiciary Committees, and the Chief Clerk of the Finance Committee of the Senate, and the Chief Clerk of the Ways and Means and Appropriations Committee of the Assembly, who must be paid eight dollars per day; to the Pages, each three dollars per day; and to the Postmasters of the Senate and Assembly, and their Assistants, each four dollars per day; and to such other officers and employés as may be elected or employed by the Senate or Assembly, or by authority thereof, such per diem as may be fixed by the House so electing or employing them or authorizing their employment; *provided*, that no officer or employé of the Senate or Assembly, whose per diem is not hereinbefore fixed, shall receive a per diem exceeding the sum of five dollars, to be fixed by the resolution electing or appointing such additional officer or employé, except in the case of stenographers, who shall receive the compensation allowed by law.

Stenographers.

SEC. 4. This Act shall take effect immediately.

CHAPTER III.

An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

[Approved February 2, 1891.]

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

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

2281. The annual salary of the Treasurer shall not exceed twelve hundred dollars, and shall be fixed by the Board of Directors. Salary of Treasurer of Deaf and Dumb and Blind Asylum.

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

CHAPTER IV.

An Act making appropriation of money to supply the deficiency in the appropriation for the support of the State Printing Office, for the forty-second fiscal year.

[Approved February 2, 1891.]

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

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the State Treasury not heretofore appropriated, to supply the deficiency in the appropriation for the support of the State Printing Office, for the forty-second fiscal year. Appropriation for deficiency in State Printing Office.

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

CHAPTER V.

Senate Constitutional Amendment No. 10.

An Act to submit to the people of the State of California an amendment to section two (2), article four (4), of the Constitution of the State of California.

[Approved February 7, 1891.]

The Legislature of the State of California, at its twenty-ninth session, commencing on the fifth day of January, A. D. one Preamble.

thousand eight hundred and ninety-one, two thirds of all the members elected to each House of said Legislature voting in favor thereof, hereby proposes that section two (2), of article four (4) (Legislative Department), of the Constitution of the State of California, be amended so as to read as follows:

ARTICLE IV.

Sessions
of Legisla-
ture.

One hun-
dred days.

SECTION 2. The sessions of the Legislature shall commence at twelve o'clock m. on the first Monday after the first day of January next succeeding the election of its members, and shall be biennial, unless the Governor shall in the interim convene the Legislature by proclamation. No pay shall be allowed to members for a longer period than one hundred days, and no bill shall be introduced in either House after the expiration of sixty days from the commencement of each session, without the consent of two thirds of the members thereof.

CHAPTER VI.

An Act to provide for the levy and collection of taxes by and for school districts, except in municipal corporations of the first class.

[Approved February 14, 1891.]

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

Manner in
which
School
Boards
may raise
money.

When
meeting to
be held.

SECTION 1. In all cases where the Board of School Trustees, Board of School Directors, Board of Education, or other governing Board of any school district in this State, except in municipal corporation of the first class, has or may hereafter have power to raise money by taxation without a vote of the people of the school district, in addition to the funds provided by State and county for school or educational purposes, such money shall be raised and such taxes shall be levied and collected in the manner following, to wit: The Board of Trustees, Directors, or Board of Education, shall, within the limits fixed by law, estimate the amount of money to be so raised by taxation, and required by their respective districts for school purposes during the year next ensuing, which year shall begin on the first Monday of January at twelve o'clock m. Said meeting for such purpose shall be held between the first and the twentieth day of September in each year; said estimate, showing the amount and for what purpose the same is to be used, shall be entered upon the records of the Board making the same, and signed by a majority of said Board, and attested by the Clerk or Secretary of said Board. Said Clerk or Secretary shall immediately furnish to the Board of Supervisors of the county in which such district is situated a copy of said record containing such estimate, which shall show the name of the district, the amount

of money to be raised, and the purposes for which it is to be used.

Sec. 2. The Board of Supervisors, upon receipt of such estimate, must, at the time of levying the county taxes, levy a tax upon all the taxable property in the school district requiring such money sufficient to raise the amount; the rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then divide the amount to be raised by the remainder of said aggregate assessed value. The taxes so levied shall be computed and entered on the assessment roll by the County Auditor, and collected at the same time and in the same manner as State and county taxes; and when collected shall be paid into the County Treasury for the use of the district for which said money was collected. The County Treasurer shall, upon demand, pay out such moneys to the district entitled thereto, in the same manner as other school moneys are paid out by such Treasurer.

Duty of Boards of Supervisors.

Duty of County Auditor.

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

CHAPTER VII.

An Act to amend an Act entitled "An Act in relation to certain deputies, assistants, and copyists of County Clerks," approved April 2, 1880.

[Approved February 14, 1891.]

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 in relation to certain deputies, assistants, and copyists of County Clerks," approved April second, eighteen hundred and eighty, is amended so as to read as follows:

Section 1. In all cases in which, by statutes in force on the thirty-first day of December, eighteen hundred and seventy-nine, the County Clerk of any city and county, or counties, having over one hundred and twenty thousand inhabitants, is authorized to appoint deputies, assistants, and copyists, in or in connection with the Courts which are abolished by the Constitution now in force, the County Clerk may appoint four competent persons as such deputies, assistants, and copyists for each Superior Court; and where by law such Superior Court is entitled to more than one Judge, he may appoint four competent persons as such deputies, assistants, and copyists for each additional Judge; and such deputies, assistants, and copyists, as appointed, shall be entitled to the same compensation as is provided in said statutes, and the same shall be audited and paid at the same time and manner and from the same source as is provided therein. He may also appoint one Chief Deputy at a compensation of two hundred and fifty dollars per month.

County Clerks. Number of Deputies and Assistants Clerks may appoint.

How paid.

Chief Deputy.

Copyists. He may also appoint such additional number of copyists as the business of his office shall, in his discretion, from time to time require (*provided*, said number shall not exceed, at any one time, three copyists for each Judge of the Superior Court), at a compensation not to exceed three dollars per day each, for the days of actual service rendered; such additional copyists shall be paid at the same time and manner as is provided for such deputies, assistants, and copyists.

How paid.

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

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

[Approved February 14, 1891.]

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

\$7,000 Con-
tingent
expenses of
Assembly.

SECTION 1. The sum of seven thousand dollars (\$7,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the twenty-ninth session of the Legislature.

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

CHAPTER IX.

An Act to amend section twelve hundred and nine of the Code of Civil Procedure of California, relating to the power of Courts in the matter of punishing contempts of Court.

[Approved February 17, 1891.]

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

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

What are
contempts
of the
authority
of Courts.

1209. The following acts or omissions in respect to a Court of justice, or proceedings therein, are contempts of the authority of the Court:

1. Disorderly, contemptuous, or insolent behavior toward the Judge while holding the Court, tending to interrupt the due course of a trial or other judicial proceeding.

2. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding.

3. Misbehavior in office, or other willful neglect or violation of duty by an attorney, counsel, Clerk, Sheriff, Coroner, or other person appointed or elected to perform a judicial or ministerial service.

4. Deceit or abuse of the process or proceedings of the Court by a party to an action or special proceeding.

5. Disobedience of any lawful judgment, order, or process of Court.

6. Assuming to be an officer, attorney, counsel of a Court, and acting as such, without authority.

7. Rescuing any person or property, in the custody of an officer, by virtue of an order or process of such Court.

8. Unlawfully detaining a witness, or party to an action, while going to, remaining at, or returning from, the Court where the action is on the calendar for trial.

9. Any other unlawful interference with the process or proceedings of a Court.

10. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

11. When summoned as a juror in a Court, neglecting to attend or serve as such, or improperly conversing with a party to an action to be tried at such Court, or with any other person, in relation to the merits of such action, or receiving a communication from a party or other person in respect to it, without immediately disclosing the same to the Court.

12. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a Superior Court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer. Disobedience of the lawful orders or process of a judicial officer is also a contempt of the authority of such officer. But no speech or publication reflecting upon, or concerning any Court, or any officer thereof, shall be treated or punished as a contempt of such Court, unless made in the immediate presence of such Court while in session, and in such a manner as to actually interfere with its proceedings.

where to
be made.

SEC. 2. This Act shall take effect immediately.

CHAPTER X.

An Act authorizing the Governor of the State of California to offer a reward for the arrest and conviction of party or parties who murdered Mrs. John Greenwood, in Napa County, on the evening of February 9, 1891, and making an appropriation to pay the same.

[Approved February 17, 1891.]

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

SECTION 1. The Governor of the State of California is authorized to offer a reward of twenty-five hundred dollars for

Reward
for arrest
of mur-
derers of
Mrs. Green-
wood.

the arrest and conviction of the party or parties who murdered Mrs. John Greenwood, in Napa County, on the night of February the ninth, eighteen hundred and ninety-one; and the sum of two thousand five hundred dollars is hereby appropriated out of any money not otherwise appropriated, and the Controller is hereby authorized to draw his warrant for the same whenever the claim is legally made.

SEC. 2. This Act shall take effect immediately.

CHAPTER XI.

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

[Approved February 17, 1891.]

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

\$10,000 con-
tingent
expenses
of Senate.

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

SEC. 2. This Act shall take effect immediately.

CHAPTER XII.

An Act to authorize cities of not less than twenty-six thousand nor more than thirty thousand inhabitants, to vote upon the question of paying indebtedness incurred in the years 1889 and 1890.

[Approved February 20, 1891.]

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

To submit
question to
election.

SECTION 1. The Board of Trustees, or the governing body of all cities of not less than twenty-six thousand nor more than thirty thousand inhabitants, are hereby authorized to submit to the qualified electors of such city, at either a general or municipal election in said city, or special election, the question whether or not any indebtedness incurred by or claimed to be due from said city, contracted in the years eighteen hundred and eighty-nine and eighteen hundred and ninety, shall be paid.

Proclama-
tion must
contain.

SEC. 2. Said Board of Trustees or other governing body shall specify particularly, in the proclamation for such election, the amount of the claimed indebtedness, and for what services it is

claimed to be due, and shall specify, if the election is a special one, the form of ballots to be used by the electors, and the time, place, and manner of holding said election and canvassing the returns thereof, and declaring the result thereof. If said question is voted upon at a general or municipal election, the ballots shall contain the words "For the Payment—Yes" and "For the Payment—No," in addition to the other matters contained therein.

SEC. 3. If two thirds of the votes cast upon such question vote in the affirmative, the said Board of Trustees or other governing body shall immediately order paid, as other claims against said city are paid, the said amount so voted; and for that purpose shall be, and are hereby authorized to incorporate the said amount in the next tax levy, if the same has not been already levied, for the year in which such election is held; and if such tax levy has been levied, then they shall make a new assessment and levy for the said amount, using the last assessment roll as a basis therefor.

Two thirds must vote affirmatively.

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

CHAPTER XIII.

An Act entitled an Act to appropriate moneys to pay the claim of George Fetherstone for services rendered in the office of the Treasurer of State.

[Approved February 24, 1891.]

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

SECTION 1. The sum of eight hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of George Fetherstone, for services rendered by him in the office of the Treasurer of State, as additional clerk, from July first to December thirty-first, eighteen hundred and ninety, as authorized and approved by the State Board of Examiners.

Claim of George Fetherstone.

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

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

CHAPTER XIV.

An Act to repeal an Act entitled "An Act to declare the Klamath River navigable."

[Approved February 24, 1891.]

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

Klamath
River.

SECTION 1. An Act entitled "An Act to declare the Klamath River navigable," approved April twenty-third, eighteen hundred and eighty, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act to increase the police force of the various cities, and cities and counties, and towns, of the State, and to provide for the appointment of such extra police officers, and for the payment of their salaries.

[Approved February 24, 1891.]

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

Police
forces.
First, sec-
ond, and
fourth
classes.

SECTION 1. The Board of Supervisors, Board of Trustees, or Common Council of a city, or city and county, or town, of this State, of the first, second, or fourth classes, are hereby authorized and empowered to increase the police force of their respective cities, and cities and counties, or towns, from time to time, as may be deemed necessary by said Common Council, Board of Trustees, or Board of Supervisors; *provided*, that the police force in any city, or city and county, shall not exceed in the aggregate, at any time, one member for every five hundred inhabitants of such city, or city and county; *provided further*, that in cities of the third class the police force shall not exceed in the aggregate, at any time, one member for every one thousand inhabitants of said cities, according to the latest census of the United States; said additional police force to be appointed by the Board of Police Commissioners or other Board or authority now by law empowered to appoint police officers in their respective cities, or cities and counties, or towns.

One police-
man to
every five
hundred.

Third
class.

How
appointed.

Salaries.

SEC. 2. The salary of additional police officers hereby authorized shall be of the same amounts for each officer as is now paid by law to the other members of such police force in their respective cities, or cities and counties, or towns; and said additional police officers shall be paid at the same time and in the same manner and out of the same fund as the other members of their respective police forces are now or shall hereafter be paid.

SEC. 3. The terms Common Council, Board of Trustees, and Board of Supervisors are hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city, or city and county, or towns.

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

CHAPTER XVI.

An Act making an appropriation to provide for a deficiency in the appropriation for repairs to State Capitol and furniture and purchase of carpets, for the forty-second fiscal year.

[Approved February 24, 1891.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for repairs to State Capitol and furniture, for the forty-second fiscal year. Appropriation for repairs to Capitol.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XVII.

An Act to amend section one thousand three hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the appointment of a married woman as administratrix of an estate of a deceased person.

[Approved February 24, 1891.]

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

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

1370. A married woman may be appointed administratrix. Adminis-
tratrix.
When an unmarried woman appointed administratrix marries, her authority is not thereby extinguished.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVIII.

An Act to amend section four hundred and ninety-seven of the Civil Code of the State of California, relating to the authority to lay railroad tracks through streets and public highways of any incorporated city, city and county, or town.

[Approved February 25, 1891.]

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

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

Railway
tracks.
How
authority
is obtained
to lay.

497. Authority to lay railroad tracks through the streets and public highways of any incorporated city, city and county, or town, may be obtained for a term of years not exceeding fifty, from the Trustees, Council, or other body to whom is intrusted the government of the city, city and county, or town, under such restrictions and limitations, and upon such terms and payment of license tax, as the city, city and county, or town authority may provide. In no case must permission be granted to propel cars upon such tracks otherwise than by electricity, horses, mules, or by wire ropes running under the streets and moved by stationary engines, unless for special reasons in this title hereinafter mentioned; *provided, however*, that such Board or body in granting the right, or at any time after the same is granted, to use electricity or any other of said modes, shall have power to impose such terms, restrictions, and limitations as to the use of streets and the construction and mode of operating such electric and other roads as may, by such Board or body, be deemed for the public safety or welfare.

Propelling
power.

Limita-
tions and
restrictions.

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

CHAPTER XIX.

An Act to confirm, ratify, and make valid ordinances heretofore passed by the Trustees, Council, or other body intrusted with the Government of any incorporated city, city and county, or town, giving authority and permission to propel cars upon railroad tracks laid through the streets and public highways of such incorporated city, city and county, or town, by electricity.

[Approved February 25, 1891.]

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

Authority
to lay rail-
road tracks.

SECTION 1. In all cases where, prior to the passage of this Act, authority to lay railroad tracks through streets or public highways of any incorporated city, city and county, or town,

has been obtained for a term of years, not exceeding fifty, from the Trustees, Council, or other body to whom was intrusted the government of the city, city and county, or town, and permission has been granted by such governing body to propel cars upon such tracks by electricity, such authority and permission shall be, and shall be held and deemed as valid and legal as the same would have been, if, at the time of the obtaining thereof, section four hundred and ninety-seven of the Civil Code had expressly declared that permission might be given to propel cars upon such tracks by electricity, as well as by horses, mules, or wire ropes running under the streets and propelled by stationary steam engines; *provided*, that all such permissions or franchises heretofore granted shall be subject to the provisions of the laws of this State applicable to street railroads in general, and subject to the same regulations from city, city and county, and town authorities as if the said franchises were hereafter granted.

Electricity.

Regulations

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

CHAPTER XX.

An Act to amend section four hundred and ninety-nine of the Civil Code of California, relative to the authority to lay, construct, and operate railroad tracks through streets and public highways of any incorporated city, city and county, or town, and to allow different lines of street railway, operated under different management, to use parts of the same streets and tracks.

[Approved February 25, 1891.]

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

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

499. Two lines of street railway, operated under different managements, may be permitted to use the same street, each paying an equal portion for the construction of the tracks and appurtenances used by said railways jointly; but in no case must two lines of street railway, operated under different managements, occupy and use the same street or tracks for a distance of more than five blocks consecutively.

Two lines street railway to use same track.

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

CHAPTER XXI.

An Act making an appropriation for the contingent expenses of the Assembly.

[Approved February 28, 1891.]

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

Contingent
expenses of
Assembly.

SECTION 1. The sum of nine thousand dollars (\$9,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the twenty-ninth session of the Legislature.

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

CHAPTER XXII.

An Act to amend section three thousand six hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of Assessors.

[Approved February 28, 1891.]

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

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

Assessor,
duty of.

3653. 1. The Assessor must, when directed so to do by the Board of Supervisors, in a map-book make a plan of the various blocks within any incorporated city or town, and mark thereon in each subdivision the name of the person to whom it is assessed.

To furnish
copies.

2. On or before the third Monday of July in each year, the Assessor must furnish such incorporated cities and towns within the county, as shall make written request for the same on or before the first Monday in March of each year, a complete certified copy of his assessment book so far as such assessment book pertains to property within the limits of said incorporated cities and towns.

Expense.

3. The Assessor may charge incorporated cities and towns twelve and one half cents per folio of one hundred words for each copy of his assessment book furnished such incorporated cities and towns.

Descrip-
tion of per-
sonal
property.

4. The Assessor must, on the first Monday of each month, furnish all such incorporated cities and towns within the county, as shall make written request for the same, a description of all personal property, the name and address, by street and number, of the owners, and assessed value thereof, whenever the tax on such property is collected by the Assessor.

5. The Assessor may charge incorporated cities and towns Expense. twelve and one half cents per folio of one hundred words for such description of personal property.

6. This Act shall apply only to counties of the second and third class.

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

CHAPTER XXIII.

An Act making an appropriation to pay the Journal Clerk of the Senate, twenty-eighth session of the Legislature, and his assistants, for completing the Journal of the Senate.

[Approved March 2, 1891.]

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

SECTION 1. The sum of six hundred and forty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the Journal Clerk of the Senate, twenty-eighth session of the Legislature, and his assistants (as approved by the State Board of Examiners), for completing the Journal of the Senate, twenty-eighth session, as follows: Jesse A. Galland, Journal Clerk, two hundred and forty dollars; William J. Hardy, assistant, two hundred dollars; Isidor Alexander, two hundred dollars.

Journal
Clerks of
twenty-
eighth ses-
sion.

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

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

CHAPTER XXIV.

An Act to add two new sections to article five, of chapter eleven, of title eleven, of part three, of the Code of Civil Procedure of California, to be designated as sections seventeen hundred and two and seventeen hundred and three, and relating to the declination of testamentary trustees and the appointment of persons to fill vacancies resulting from such declination or otherwise.

[Approved March 2, 1891.]

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

SECTION 1. Two new sections are hereby added to article five, of chapter eleven, of title eleven, of part three, of the Code of Civil Procedure, to read as follows:

Trustee
may
decline.

1702. Any person named or designated as a trustee in any will, which has been or shall hereafter be admitted to probate in this State, may, at any time before final distribution, decline to act as such trustee, and an order of Court shall thereupon be made accepting such resignation; but the declination of any such person who has qualified as executor shall not be accepted by the Court, unless the same shall be in writing, and filed in the Court in which the administration is pending, and such notice shall be given thereof as is required upon a petition praying for letters of administration. The Court in which the administration is pending shall have power at any time before final distribution to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination or otherwise; *provided*, it shall be by law necessary that such vacancy shall be filled; and every person so appointed shall, before acting as trustee, give a bond such as is required by section one thousand three hundred and eighty-eight of this Code, of a person to whom letters of administration are directed to issue. Such appointment may be made upon the written application of any person interested in the trust, and shall only be made after notice to all parties interested in the trust, given in the same manner as notice is required to be given of the hearing upon a petition for the probate of a will. In each of the preceding cases the Court may order such further notice as shall seem necessary. In accepting any declination under the provisions of this section, the Court may make and enforce any order which may be necessary for the preservation of the estate.

Court to
appoint.

Bond.

When
made.

Jurisdic-
tion.

1703. The provisions of the next preceding section shall apply in all cases where a final decree of distribution has not been made; but the jurisdiction given by said section shall not exclude, in cases to which it applies, the jurisdiction now possessed by the Courts of this State.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXV.

An Act making an appropriation to pay the deficiency in the appropriation for the salary of the Executive Secretary to the Governor for the forty-first and forty-second fiscal years.

[Approved March 2, 1891.]

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

Appropriation
to pay
Executive
Secretary.

SECTION 1. The sum of twelve hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of the Executive Secretary to the Governor for the forty-first and forty-second fiscal years.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVI.

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

[Approved March 2, 1891.]

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

SECTION 1. The sum of two thousand three hundred and thirty-one dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for stationery, supplies, fuel, and lights for Legislature and State officers (as approved by the State Board of Examiners), for the fortieth fiscal year.

To pay deficiency of Legislature for fortieth fiscal year.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXVII.

An Act making an appropriation to pay the deficiency in the appropriation for arrest of criminals without the limits of the State, for the fortieth fiscal year.

[Approved March 2, 1891.]

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

SECTION 1. The sum of three hundred and eleven dollars and thirty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for arrest of criminals without the limits of the State (as approved by the State Board of Examiners), for the fortieth fiscal year.

To pay deficiency in appropriation for arrest of criminals.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXVIII.

An Act making an appropriation to pay the deficiency in the appropriation for salary of Commissioner of Bureau of Labor Statistics, for the fortieth fiscal year.

[Approved March 2, 1891.]

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

To pay
deficiency
in salary.

SECTION 1. The sum of one hundred and thirty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for salary of Commissioner of Bureau of Labor Statistics for the fortieth fiscal year (as approved by the State Board of Examiners).

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXIX.

An Act making an appropriation to pay the deficiency in the appropriation for construction of granite steps in the State Capitol grounds, for the forty-first and forty-second fiscal years.

[Approved March 2, 1891.]

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

To pay
deficiency
for improv-
ing State
Capitol
grounds.

SECTION 1. The sum of one thousand nine hundred and thirty-eight and twelve one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the construction of granite steps in the State Capitol grounds (as approved by the State Board of Examiners), for the forty-first and forty-second fiscal years.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXX.

An Act making an appropriation to pay the deficiency in the appropriation for the payment of claims incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880.

[Approved March 2, 1891.]

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

SECTION 1. The sum of three hundred thirty-one and ninety-four one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of claims incurred under an Act entitled "An Act to promote drainage," approved April thirtieth, eighteen hundred and eighty.

To pay deficiency in appropriation for drainage claims.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXI.

An Act making an appropriation to pay the deficiency in the appropriation for the purchase of ballot paper for the forty-second fiscal year.

[Approved March 2, 1891.]

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

SECTION 1. The sum of four thousand nine hundred and sixty-eight dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the purchase of ballot paper for the forty-second fiscal year (as approved by the State Board of Examiners).

To pay deficiency in appropriation for purchase of ballot paper.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXII.

An Act to amend sections six hundred and eighty-nine and five hundred and forty-nine of the Code of Civil Procedure of the State of California, relative to the claims by third persons of property levied upon under writs of execution and attachment, as to the procedure upon said claims, and as to the necessary prerequisites to their being received.

[Approved March 2, 1891.]

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

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

Property
claimed by
third per-
son.

689. If the property levied on be claimed by a third person as his property by a written claim verified by the oath of said claimant, setting out his title thereto, his right to the possession thereof, and stating the grounds of such title, and served upon the Sheriff, the Sheriff is not bound to keep the property, unless the plaintiff, or the person in whose favor the writ of execution runs, on demand, indemnify the Sheriff against such claim by an undertaking by at least two good and sufficient sureties; and no claim to such property is valid against the Sheriff, or shall be received, or be notice of any rights, unless made as above provided.

Indem-
nity.

SEC. 2. Section five hundred and forty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Personal
property.

549. If any personal property attached be claimed by a third person as his property, the same rules shall prevail as to the contents and making of said claim, and as to the holding of said property, as in case of a claim after levy upon execution, as provided for in section six hundred and eighty-nine of the Code of Civil Procedure.

CHAPTER XXXIII.

An Act to legalize certain acknowledgments.

[Approved March 2, 1891.]

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

Court Com-
missioners

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 Court Commissioners, and by them certified in the usual legal form, shall, from and after the passage of this Act, have the same force and effect for all purposes as though such acknowledg-

ments had been taken before and certified by a clerk of a Court of record, or a County Recorder, or a Notary Public; and the records of such deeds or instruments, if the same shall have been admitted for record, shall hereafter impart notice to the same extent as though such acknowledgments had been taken before and certified by any one of the above named officers; *provided*, nothing in this Act shall be so construed as in any manner to affect the rights of any subsequent purchaser in good faith.

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

CHAPTER XXXIV.

An Act relating to District Attorneys, their assistants and clerks, in counties, and cities and counties, having a population of more than one hundred and twenty-five thousand.

[Approved March 2, 1891.]

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

SECTION 1. All counties, and cities and counties, having a population of more than one hundred and twenty-five thousand, the District Attorney shall have the power to appoint three deputies: one with a salary of three hundred (\$300) dollars per month, and two with a salary of two hundred and fifty (\$250) dollars per month each. Also, one Chief Clerk, with a salary of two hundred and fifty (\$250) dollars per month, and two Assistant Clerks, with a salary of one hundred and fifty (\$150) dollars per month each.

District Attorneys may appoint deputies. Salaries.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXV.

An Act to amend section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendment thereto, approved March 19, 1889.

[Approved March 2, 1891.]

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

SECTION 1. Section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March

thirteenth, eighteen hundred and eighty-three, and amended March nineteenth, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Who shall
be elected.

Term of
office.

Expira-
tion.

Who
appointed.

Poundmas-
ter, Super-
intendent
of Streets,
and
Engineer.

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

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

CHAPTER XXXVI.

An Act to provide for the levy and collection of taxes by and for the use of municipal corporations, and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution.

[Approved March 2, 1891.]

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

Amount of
money to
be raised
to be fixed.

SECTION 1. The Board of Trustees, Common Council, or other legislative body of any municipal corporation or city in this State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution, shall have power, and it shall be their duty to fix, by ordinance, the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such corporation or city, for the current

year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The Board of Trustees, Common Council, or other legislative body, shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year; *provided, however*, that the provisions of this Act shall not apply to, or be in force in, any city or municipal corporation, until its Board of Trustees, Common Council, or other legislative body, shall have passed an ordinance electing to avail itself of the provisions of this Act, and filed a certified copy of the same with the Auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in March of each year.

When to meet.

Ordinance to be passed.

SEC. 2. The County Auditor must, on or before the third Monday in August of each year, transmit to the Board of Trustees, Common Council, or other legislative body of each municipal corporation or city within such county, a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment book of such county for such year, as equalized and corrected by the Board of Supervisors for such county.

Duty of County Auditor.

SEC. 3. Each Board of Trustees, Common Council, or other legislative body of such municipal corporation or city, shall, on the first Monday of October, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the County Assessor, and so returned to such Board by the County Auditor, as required in section two of this Act, which rate of taxation shall be sufficient to raise the amount so fixed by such Board, as required in section one of this Act, which acts by said Board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city Board must immediately thereafter transmit to the County Auditor of the county in which such municipal corporation or city is situated, a statement of such rate so fixed by such municipal Board.

The rate of taxation.

Valid levy.

SEC. 4. The Auditor must then compute and enter in a separate column in the assessment book, to be headed "City Tax, City of —" (naming it), the respective sums, in dollars and cents, to be paid as a municipal or city tax on the property therein enumerated, and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal Board, and the assessed value as found in such assessment book; such taxes so levied shall be collected at the same time and in the same manner as State and county taxes; and when collected the net amount as ascertained by section five shall be paid to the Treasurer of the municipal corporation or city to which it, respectively, belongs, under the general requirements and penalties provided by law for the settlement of other taxes.

Assessment book.

When collected.

Paid to Treasurer.

SEC. 5. The Board of Supervisors, on the filing of itemized statements by the County Auditor and County Tax Collector, showing the additional expense to their offices of assessing and

Expense.

collecting these local taxes, may, by an order spread upon its minutes, deduct such expenses from the taxes of each municipal corporation or city, while in the hands of the County Tax Collector, and cover the same into the County Salary Fund.

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

CHAPTER XXXVII.

An Act to amend section two hundred and twenty-four of an Act entitled "An Act to establish a Civil Code of the State of California," approved March 21, 1872, in relation to the adoption of children.

[Approved March 2, 1891.]

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

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

Consent
necessary.

224. A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect; neither is the consent of any one necessary in case of any abandoned child.

Consent
not neces-
sary.

CHAPTER XXXVIII.

An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the World's Columbian Exposition, to be held in Chicago in eighteen hundred and ninety-three, and to provide for Commissioners thereof.

[Approved March 6, 1891.]

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

SECTION 1. It is made the duty of the Governor of the State of California, within thirty days after the passage of this Act, to appoint seven Commissioners, at least one from each of the congressional districts of the State, who shall constitute the "California World's Fair Commission," which Commissioners shall be taken as near as may be from the two leading political parties of the State of California. Said California World's Fair Commission shall have the exclusive charge and control of the

World's
Fair
Commis-
sion.

expenditure of all moneys appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of California, and for the purpose of properly representing the State of California at the World's Fair Columbian Exposition, to be held in the city of Chicago, State of Illinois, in eighteen hundred and ninety-three. Each of said Commissioners shall execute and file with the Secretary of State, within thirty days after his appointment by the Governor, a good and sufficient bond in the sum of twenty thousand dollars, made to the people of the State of California, which bond must be approved by the Governor. Said bond shall be conditioned for the faithful performance by said Commissioner of all the duties enjoined upon him by this Act.

Duties.

Bond.

SEC. 2. Said Commissioners shall receive no compensation for their services, but that they shall be allowed their actual traveling expenses, not exceeding two thousand dollars each.

Compensation.

SEC. 3. The sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to meet the expenses of erecting buildings and collecting and maintaining an exhibit of the products of the State of California at the World's Columbian Exposition, to be held in Chicago in eighteen hundred and ninety-three, one half to be expended in the forty-third fiscal year, and one half to be expended during the forty-fourth fiscal year; and the Controller is hereby directed to draw his warrant on the General Fund, from time to time, for such proportion of said sum of three hundred thousand dollars, and in favor of such persons, as the majority of said Commissioners hereinabove referred to shall direct, and the State Treasurer is hereby empowered and directed to pay the same.

Appropriation.

How drawn.

SEC. 4. This Act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

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

CHAPTER XXXIX.

An Act to provide for the appointment of a Board of Sutter's Fort Trustees, and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property.

[Approved March 7, 1891.]

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

SECTION 1. The Governor shall appoint five Trustees, to be known as the Board of Sutter's Fort Trustees, at least three of whom shall be residents of Sacramento County; and he shall designate, at the time of such appointment, their respective terms of office, in accordance with the following classification,

Board of Sutter's Fort Trustees.

viz.: three of whom 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. The said Trustees shall qualify by taking the usual oath of office.

Term of office.

Duties.

SEC. 2. The said Board of Sutter's Fort Trustees are hereby authorized to receive and accept from the Sutter's Fort Committee of the Grand Parlor of the Native Sons of the Golden West, a corporation, without cost to the State, the possession of and the title to the site and grounds known as the Sutter's Fort property, and which is particularly described as those two certain blocks of land bounded by K and L, Twenty-sixth and Twenty-eighth Streets, in the city of Sacramento, county of Sacramento, State of California.

Officers.

SEC. 3. The said Board of Sutter's Fort Trustees shall provide for the preservation, protection, and improvement of the said Sutter's Fort property, in such way and manner as in their judgment may seem best and proper. Said Board of Trustees shall immediately, upon their appointment, organize by the election of a President, a Secretary, and a Treasurer from their number, and which officers shall serve without compensation; and the said President and Secretary are hereby authorized, when empowered by said Board, to do and perform all things pertaining to the duties of said Board.

Appropriation.

SEC. 4. The sum of twenty thousand (\$20,000) dollars, one half to be expended in the forty-third fiscal year and one half in the forty-fourth fiscal year, is hereby appropriated out of the General Fund of the State Treasury, for the purpose of carrying out the provisions of section three of this Act. The Controller is hereby authorized to draw his warrant in favor of said Board for the amount herein made payable, and the Treasurer is directed to pay the same.

SEC. 5. This Act shall take effect immediately.

CHAPTER XL.

An Act to amend sections four hundred and four hundred and one of the Penal Code of the State of California, relating to contagious diseases among animals, and to renumber said sections.

[Approved March 10, 1891.]

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

SECTION 1. Section four hundred of the Penal Code, relating to contagious diseases among animals, is hereby amended so as to read as follows:

Contagious diseases of animals.

402. Any person who shall knowingly sell, or offer for sale, or use, or expose, or who shall cause or procure to be sold or

offered for sale, or used, or expose, any horse, mule, or other animal having the disease known as glanders or farcy, or who shall bring, or cause to be brought, or aid in bringing into this State any sheep, hog, horse, or cattle, or any domestic animal, knowing the same to be affected with any contagious or infectious disease, shall be guilty of a misdemeanor.

Sec. 2. Section four hundred and one of the Penal Code, relating to contagious diseases among animals, is hereby amended so as to read as follows:

402½. Every animal having glanders or farcy shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor. Infected animals to be killed.

CHAPTER XLI.

An Act to amend section four hundred and one of the Penal Code of the State of California, relating to the adulteration of candy, and to renumber said section.

[Approved March 10, 1891.]

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

SECTION 1. Section four hundred and one of the Penal Code, relating to the adulteration of candy, is hereby amended so as to read as follows:

402½. Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor. Adulteration of candy.

CHAPTER XLII.

An Act to provide penalties for failure to pay tolls, by false returns or otherwise, to any Board of State Harbor Commissioners of the State of California.

[Approved March 10, 1891.]

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

SECTION 1. Any person, corporation, firm, or association who shall, by false returns, or in any manner, avoid the payment of all or any portion of any tolls that may be due to any Board of State Harbor Commissioners of the State of Cali- False Returns to Harbor Commissioners.

Penalty. fornia, from any source or cause, as provided for by law and the rules and regulations of said Board, shall be liable for and shall pay to said Board twice the amount of such tolls, and in addition thereto the sum of ten dollars over and above such amount.

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

CHAPTER XLIII.

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

[Approved March 10, 1891.]

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

SECTION 1. Section seven hundred and ninety-five of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

School
Districts.

More terri-
tory may be
included.

Tax levy.

Section 795. From and after the organization of each of such cities the same shall constitute a separate school district, which shall be governed by the Board of Education of such city; *provided*, the Board of Supervisors may include more territory in such school district than that included in such city, and in that case such outside territory shall be deemed a part of such city for the purpose of holding the general municipal election, and shall be an election precinct by itself, and its qualified electors shall vote only for the Board of Education, and said outside territory shall be deemed to be a part of said city for all matters connected with the School Department, and the annual levying and collecting of the property tax for the School Fund.

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

CHAPTER XLIV.

An Act to amend sections nine hundred and thirty-six and nine hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

[Approved March 10, 1891.]

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

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

Election
contest.

936. When the title of the incumbent of any office in this State is contested by proceedings instituted in any Court for

that purpose, no warrant can thereafter be drawn or paid for any part of his salary until such proceedings have been finally determined; *provided, however*, that this section shall not be construed to apply to any party to a contest or proceeding now pending or hereafter instituted, who holds the certificate of election or commission of office and discharges the duties of the office; but such party shall receive the salary of such office, the same as if no such contest or proceeding was pending.

Who to receive pay.

SEC. 2. Section nine hundred and thirty-seven is hereby amended so as to read as follows:

937. As soon as such proceedings are instituted, the Clerk of the Court in which they are pending must certify the facts to the officers whose duty it would otherwise be to draw such warrant or pay such salary, except in the cases included in the proviso to the foregoing section.

Clerk of Court must certify.

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

CHAPTER XLV.

An Act to amend sections fifty-eight and seven hundred and ninety-two of the Political Code, so as to authorize the appointment of women as Notaries Public.

[Approved March 10, 1891.]

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

SECTION 1. Section fifty-eight of the Political Code is amended so as to read as follows:

58. Every elector is eligible to the office for which he is an elector, except where otherwise specially provided; and no person is eligible who is not such an elector, except when otherwise specially provided.

Eligibility to office.

SEC. 2. Section seven hundred and ninety-two of the Political Code is amended so as to read as follows:

792. Every person appointed as Notary Public must, at the time of appointment, be a citizen of the United States and of this State, and twenty-one years of age; must have resided in the county for which the appointment is made for six months. Women having these qualifications may be appointed.

Qualifications of Notaries Public.

CHAPTER XLVI.

An Act to provide for the organization and government of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel.

[Approved March 10, 1891.]

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

Levee districts.
Who may organize.

SECTION 1. Whenever a majority of freeholders owning land injuriously affected, or liable to be injuriously affected, by overflow from any innavigable running stream, or that will be benefited by the prevention of the overflow of any innavigable stream of running water, desire to provide for the prevention of the overflow of such stream, they may propose the organization of a district under the provisions of this Act; and when so organized such district shall have the powers conferred, or that may hereafter be conferred by law upon such levee districts.

Petition.

SEC. 2. A petition shall first be presented to the Board of Supervisors of the county in which the lands or the greatest portion thereof is situated, signed by the required number of freeholders of such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this Act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said Board of Supervisors, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all said costs in case said organization shall not be effected. Such petition shall be presented at a regular meeting

Bond.

Hearing.

for the hearing of said petition, and said petition shall be published, for at least two weeks before the time at which the same is to be heard, in some newspaper or newspapers designated by said Board, printed and published in the county where said petition is presented, and also a notice shall be published in connection with said petition stating the time of the meeting at which said petition will be heard. At the time fixed for the hearing of such petition, said Board of Supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries; *provided*, that said Board shall not modify said boundaries so as to except from the operation of this Act any territory within the boundaries of the district proposed by said petitioners which may appear to said Board of Supervisors to be injuriously affected, or liable to be injuriously affected, by the overflow of the stream of water in said district. Said Board shall also make an order

Notice.

Divisions.

dividing said district into five divisions, as nearly equal in size

as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one Director shall be elected from each district. Said Board of Supervisors shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this Act. Such notice shall describe the boundaries so established, and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper published within said county; and if any portion of said proposed district lie within another county, or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words "Levee District—Yes," or "Levee District—No," or words equivalent thereto; and also the names of the persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote under the provisions of this Act unless he shall possess all the qualifications required of electors under the general laws of this State; *provided*, that no lands already embraced in reclamation, levee, or protection districts shall be included in such boundaries.

Notice.

Ballots.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the State; *provided*, that no particular form of ballot shall be required. The said Board of Supervisors shall meet on the second Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if upon such canvass it appear that at least a majority of all the votes cast are "Levee District—Yes," the said Board shall, by an order entered on their minutes, declare such territory duly organized as a levee district, under the name and style theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said Board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the County Recorder of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the Clerk of the Board of Supervisors of each of the counties in which any portion of the district may lie; and no Board of Supervisors of any county including any portion of such district shall, after the date of the organization of such district, allow another district to be formed including any of the lands in such district, without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, for one year, or until their successors are elected and qualified. For the purposes of the election above provided for, the said Board of Supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries

Canvass of votes.

Copies to be filed.

Term of office.

Precincts.

thereof, which said precincts may thereafter be changed by the Board of Directors of such district.

Annual
Elections.

SEC. 4. An election shall be held in such district one year from the first election held, as provided in the foregoing section, and on the same day each succeeding year thereafter, at which election an Assessor, a Collector, and a Treasurer, and a Board of five Directors for the district, shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. Within ten days after receiving their certificates of election hereinafter provided for, such officers shall take and subscribe the official oath and file the same in the office of the Board of Directors. The Assessor shall execute an official bond in the sum of five thousand dollars, and the Collector an official bond in the sum of ten thousand dollars, and the District Treasurer an official bond in the sum of twenty-five thousand dollars. But the Board of Directors shall have the power to change the amount of bonds required of said officers, and in the event that the Board of Directors increases or decreases the amount of bonds required of the officers above named, such officer or officers shall, within ten days after receiving notice of the changing of the amount of bond required, file a new bond in the amount so fixed by the Board of Directors. All bonds given by such officers are to be approved by the Board of Directors. Members of said Board of Directors shall execute an official bond in the sum of ten thousand dollars, which said bonds shall be approved by the Judge of the Superior Court of said county where said organization was effected, and shall be recorded in the office of the County Recorder thereof and filed with the Secretary of said Board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Bonds of
officers.

Election
notices.

SEC. 5. Fifteen days before any election held under this Act, subsequent to the organization of any district, the Secretary of the Board of Directors 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 in the office of said Board, which shall be established and kept at some fixed place to be determined by said Board, specifying the polling places of each precinct. 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 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 of Directors must, in its order appointing the Board of Election, designate the house or place within the precinct where the election must be held.

Inspector.

SEC. 6. The Inspector is Chairman of the Election Board, and may:

First—Administer all oaths required in the progress of an election. Oaths.

Second—Appoint Judges and Clerks if, during the progress of the election, any Judge or Clerk cease to act. Any member of the Board of Election, 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 the 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 one hour after sunrise on the morning of the election, and be kept open until sunset, when the same must be closed. The provisions of the Political Code concerning the form of ballots to be used shall not apply to elections held under this Act. Judges and Clerks.
Polls.
Ballots.

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 have been 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 have been counted. Counting the vote.

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 one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the Clerk, Judge, 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 thereof, in the order in which they are entered upon the tally lists 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 of (naming the precinct) Precinct," and be directed to Certificate.
String the ballots.
Returns.

the Secretary of the Board of Directors, and shall be immediately delivered by the Inspector, or by some other safe and responsible carrier designated by said Inspector, to said Secretary, and the ballots shall be kept unopened 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 of Directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Recount.

SEC. 9. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The Board of Directors 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 of Directors 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 have been 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 for each person voted for, and declaring the result thereof.

Canvassing returns.

Record of election.

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

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

Second—The names of the persons voted for.

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

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

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

Certificate of election.

The Board of Directors must declare elected the persons having the highest number of votes given for each office. The Secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the Board. In case of the vacancy in the office of Assessor, Collector, or Treasurer, the vacancy shall be filled by

Vacancies.

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

Officers.

SEC. 11. On the first Wednesday in the month next following their election, the Board of Directors shall meet and organize as a Board, elect a President from their number, and appoint a Secretary. The Board shall have power, and it shall be their duty, to establish the channel of any innavigable stream within

Duties of Board.

their district, to adopt and establish a system of works for the prevention of the overflow of any unnavigable stream within their district, to construct levees, deepen channels, and do all things necessary to prevent the overflow of any unnavigable stream in their district, and to repair and maintain the same. Said Board shall be also authorized to make and execute all necessary contracts, employ and appoint such agents, officers, and employés as may be required, and prescribe their duties, and to establish equitable by-laws, rules, and regulations necessary for the carrying on of the business here contemplated. Rules.

SEC. 12. The Board of Directors shall hold a regular monthly meeting at their office on the first Tuesday of every month, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the Board. The order must be entered of record, and five days' notice thereof must be given by the Secretary to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All meetings of the Board must be public, and three members of the Board shall constitute a quorum for the transaction of business. On all questions requiring a vote, there shall be a concurrence of at least three members of said Board. All records of the Board shall be open to the inspection of any elector during business hours. The Board and its agents and employés shall have the right to enter upon any land in the district to make surveys, and may locate the line of any river bed, levee, or other works necessary under the provisions of this Act; and said Board shall have the right to acquire, either by donation, purchase, or condemnation, any lands or other property necessary for the construction, use, maintenance, repair, and improvement of any works constructed, or being constructed under the provisions of this Act. In case of condemnation the Board shall proceed in the name of the district, under the provisions of title seven of part three of the Code of Civil Procedure, and said provisions are hereby made applicable for that purpose. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment of the purchase price thereof. All property acquired under the provisions of this Act by any district created hereunder, required in carrying out the provisions of this Act, is hereby declared to be a public use, subject to regulation and control of the State in the manner prescribed by law. Meetings. Quorum.

SEC. 13. The legal title to all property acquired under the provisions of this Act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purpose 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. Right to survey. May acquire property. Condemnation.

SEC. 14. The said Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this Act, in the name of such Suits at law.

levee district, 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 in the name of such levee district.

Special
Election
for bonds.

SEC. 15. For the purpose of constructing the necessary levees, channels, or other things or appliances that may be deemed necessary to prevent the overflow of any innavigable stream of water, and acquiring the necessary property, rights of way, privileges, or otherwise carrying out the provisions of this Act, the Board of Directors of any such district must, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised, and shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district shall be issued in the amount so determined; and notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of said notice in some newspaper published in the county where the office of the Board of Directors of said district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects, as nearly as practicable, in conformity with the provisions of this Act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted.

Notice.

Ballots.

Bonds to
issue.

Payment of
bonds.

Interest.

At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the Board of Directors shall immediately cause bonds in said amount to be issued. Said bonds shall be payable in lawful money of the United States, in installments as follows, to wit: At the expiration of eleven years, not less than five per cent of said bonds; at the expiration of twelve years, not less than six per cent; at the expiration of thirteen years, not less than seven per cent; at the expiration of fourteen years, not less than eight per cent; at the expiration of fifteen years, not less than nine per cent; at the expiration of sixteen years, not less than ten per cent; at the expiration of seventeen years, not less than eleven per cent; at the expiration of eighteen years, not less than thirteen per cent; at the expiration of nineteen years, not less than fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds; and shall bear interest at the rate of six 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 Fourth National Bank, in New York City. Said bonds shall be each of the denomination of not less than one hundred dollars, nor more than five hundred dollars; shall be negotiable in form, signed by the President and Secretary, and the seal of the Board of Directors 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 were issued by authority of this Act, stating its title and date of approval. 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. Said Secretary shall, on the first Mondays of July and January of each year, file a copy of said record, duly certified, with the Board of Supervisors of the county in which said district was created.

Coupons.

Record of bonds.

Sec. 16. The Board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully 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 at the county seat in which such district is located, 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; but said Board shall in no event sell any of the said bonds for less than ninety per cent of the face value thereof.

How bonds shall be sold.

Sealed proposals.

Sec. 17. Said bonds, and the interest thereon, shall be paid by revenue derived from any annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

How revenue is raised.

Sec. 18. The Assessor must, between the first Monday in March and the first Monday in June in each year, assess all real property in the district 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 such property within the district, in which must be specified, in separate columns, under the appropriate head:

Duties of Assessor.

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.”

Name.

Second—Land by township, range, section, or fractional sec-

Descrip-
tion of
property.

tion, 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 and block according to the system of numbering in such city or town, and the improvements thereon.

Fourth—The cash value of real estate, other than city or town lots.

Improve-
ments.

Fifth—The cash value of improvements on such real estate.

Sixth—The cash value of city and town lots.

Seventh—The cash value of improvements on city and town lots.

Eighth—The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Ninth—The total value of all property assessed.

Tenth—The total value of all property after equalization by the Board of Directors.

Miscella-
neous.

Eleventh—Such other things as the Board of Directors may require.

Deputy
Assessors.

SEC. 19. The Board of Directors must allow the Assessor as 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 in each year.

Compen-
sation.

Assess-
ment book.

SEC. 20. 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 Directors, 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.

Board of
Equaliza-
tion.

SEC. 21. Upon the day specified in the notice required by the preceding section for the meeting, the Board of Directors, 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 the 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.

SEC. 22. The Board of Directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds; and at the expiration of ten years after the issuing of bonds by the Board, must increase said assessment for the ensuing ten years in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year a percentage sufficient to pay off said bonds. The Secretary of the Board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called the "Bond Fund of — Levee District." In case of the neglect or refusal of the Board of Directors to cause such assessment and levy to be made, as in this Act provided, then the assessment of property made by the County Assessor and the State Board of Equalization shall be adopted, and shall be the basis of assessments for the district; and the Board of Supervisors of the county in which the office of the Board of Directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this Act in the same manner and with like effect as if the same had been made by said Board of Directors; and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the Collector or Treasurer of the district to perform the duties imposed by law, then the Tax Collector and Treasurer of the county in which the office of the Board of Directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

Assessments.

Failure to assess.

Failure to collect tax.

SEC. 23. The assessment upon real property is a lien against the property assessed, from and after the first Monday in March for any year; and such lien is not removed until the assessments are paid on the property sold for the payment thereof.

Liens.

SEC. 24. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter; and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made. The notice shall also specify a time and place within each

Delinquent assessments.

Collector to visit districts. election precinct of the district, when and where the Collector will attend to receive payment of assessments, and shall be published for fifteen days, and a printed copy of said notice shall be posted for the same time in some public place in each precinct. The Collector must attend at the time and place specified in the notice, to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment 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 amount paid, with a description of the property assessed. On the thirty-first day of December of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent.

Receipts.

Delinquent list to be published. SEC. 25. On or before the first day of February, the Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments 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 Collector.

Time of sale.

Penalty. SEC. 26. The Collector must collect, in addition to the assessments due on the delinquent list and five per cent added, fifty cents on each lot, piece, or tract of land separately assessed, one half of which must go to the district and the other to the Collector 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 o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of 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.

Sale of property.

What must be sold. SEC. 27. The owner, or person in possession of any real estate offered for sale for assessments due thereon, may designate, in writing, to the Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars to the Collector for the duplicate certificate of sale, is the purchaser. If the purchaser

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

District to purchase.

Authority to convey.

SEC. 28. 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 the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such County Recorder the lien of the assessments vests in the purchaser, and is only divested by the payment to him, or to the Collector for his use, of the purchase money and two per cent per month from the day of sale until redemption.

Certificate.

Lien vests in purchaser.

SEC. 29. 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 Directors, he must name the

Redemption.

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.

Deed.

Recitals.

SEC. 30. The matter 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—That the assessments were levied in accordance with law.

Fourth—The assessments 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.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all 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.

Title.

Assessment book prima facie evidence.

SEC. 31. The assessment book or delinquent list, or a copy thereof, certified by the Collector, showing unpaid assessments against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

Errors.

SEC. 32. When land is sold for assessments 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.

Statement of Collector.

SEC. 33. On the first Monday in each month, the Collector must settle with the Secretary of the Board for all moneys collected for assessments, and pay the same over to the Treasurer; and within six days thereafter he must deliver to and file in the office of the Secretary a statement, under oath, showing:

First—An account of all his transactions and receipts since his last settlement.

Second—That all money collected by him as Collector has been paid.

The Collector shall also file in the office of the Secretary, on said first Monday in each month, the receipt of the Treasurer for the money so paid.

SEC. 34. Upon the presentation of the coupons due to the Treasurer, he shall pay the same from said Bond Fund. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of one thousand dollars, the Board of Directors may direct the Treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any other newspaper which said Board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the Board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must 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 for, said money shall be invested by the Treasurer, under the direction of the Board, in United States gold-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.

Redeeming bonds.

Proposals.

SEC. 35. After adopting a plan of said levees, channels, and works, the Board of Directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (*provided*, a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of said work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said 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 portions 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 or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board, payable to said district for its use, for double of the amount of the contract price, con-

Bids for construction.

Opening bids.

ditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the Engineer, and be approved by the Board.

How claims
are paid.

SEC. 36. No claim shall be paid by the 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 County Treasury of the county where the office of the Board is situated, any sum in excess of the sum of twenty-five thousand dollars. The County Treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe-keeping and disbursement of the same, as in this Act provided. He shall pay out the same, or any portion thereof, to the Treasurer of the district only, and only upon the order of the Board, signed by the President and attested by the Secretary. The said County Treasurer shall report, in writing, on the second Monday in each month, the amount of money in the County Treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the Secretary of the Board. The District Treasurer shall also report to the Board, in writing, on the first Monday in each month, the amount of money in the District Treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the Secretary of the Board.

Report of
County
Treasurer.

Report of
District
Treasurer.

How ex-
penses are
to be met.

SEC. 37. 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. For the purpose of defraying the expenses of the organization of the district and of the care, operation, management, and current expenses thereof, including salaries of officers and employés, and for the repair and improvement of such portions of any levee or channel constructed by any district, the Board of Directors may annually levy assessments therefor, and for that purpose said Board shall have the same powers and functions for the purposes of said levy as are now possessed by Boards of Supervisors in this State. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this Act relating to the payment of principal and interest of bonds herein provided for.

Pay of
Directors.

SEC. 38. The Board of Directors shall each receive four dollars per day, and mileage at the rate of ten cents per mile, in attending meetings, and actual and necessary expenses paid while engaged in official business under the order of the Board. The Board shall fix the compensation to be paid to the other officers named in the Act, to be paid out of the treasury of the district; *provided*, that said Board shall, upon the petition of at least fifty, or a majority of the freeholders within such district, therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the Board twenty days prior to a

Salaries
and fees.

general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this Act.

SEC. 39. No Director, or any other officer named in 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; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Directors and officers not to be interested in contracts.

SEC. 40. The Board of Directors may, at any time, when in their judgment it may be advisable, call a special election, and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this Act. Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared in all respects in conformity with the provisions of section fifteen of this Act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes," or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the Board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll for the current year, and then dividing the sum voted by the remainder of such aggregate assessed value. The assessments so levied shall be computed and entered on the assessment roll by the Secretary of the Board, and collected at the same time and in the same manner as other assessments provided for herein; and when collected shall be paid into the District Treasury for the purposes specified in the notice of such special election.

Special elections.

Fifteen per cent delinquencies.

SEC. 41. The Board of Directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

Debt.

SEC. 42. This Act shall take effect from and after its passage.

CHAPTER XLVII.

An Act to regulate the sale of olive oil.

[Approved March 10, 1891.]

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

Olive oil,
sale of.

SECTION 1. Every manufacturer or dealer in olive oil shall place upon every bottle or can filled with olive oil, and exposed or offered for sale as such, a label stating clearly the name and address of the manufacturer or dealer, and the place of manufacture, and shall file with the State Board of Horticulture a copy of said label, accompanied by an affidavit that it is pure, and that this Act has been complied with.

Label.

Punish-
ment for
adultera-
tion.

SEC. 2. Whoever adulterates olive oil, sells or keeps for sale oil not olive oil, and exposed or offered for sale as olive oil, within the State of California, is guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace of any township of legal jurisdiction, shall be fined in a sum not less than fifty dollars nor exceeding one hundred dollars, and cost of the action, for each offense, or may be imprisoned not less than fifty days nor more than one hundred days, or by such fine and imprisonment as the judgment of the Court may direct.

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

CHAPTER XLVIII.

An Act to ascertain and express the will of the people of the State of California upon the subject of election of United States Senators.

[Approved March 10, 1891.]

Preamble.

WHEREAS, It is expedient that the wishes of the people of this State upon the subject of the election of United States Senators should be unmistakably expressed; therefore,

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

Proclama-
tion.

SECTION 1. That thirty days prior to the next general State election, the Governor shall issue his proclamation calling upon the electors to signify, at said election, their will as to the method of the election of United States Senators, by placing upon the ballots the words "For the election of United States Senators by the direct vote of the people," or the words "Against the election of United States Senators by the direct vote of the people;" and the Inspectors and the Judges of Election at each and every poll in the State shall ascertain and

make returns of the number of votes cast "For the election of United States Senators by the direct vote of the people" and the number of votes cast "Against the election of United States Senators by the direct vote of the people," in like manner as other votes are required to be counted and returned, and an abstract thereof shall be transmitted by each County Clerk in the State to the Secretary of State, in the same manner that votes for State officers are now required to be transmitted.

SEC. 2. The Secretary of State shall make a complete abstract of the votes given at said election, and certify the same to the Governor.

SEC. 3. The Governor shall prepare a memorial from the people of the State of California, attested by the Secretary of State, with the great seal of State attached, setting forth in brief the question submitted to the electors, and the vote thereon, and send copies thereof to the President and Vice-President of the United States, to each Cabinet Minister, Senator, Member of the House of Representatives, and the Governor of each State and Territory in the United States of America.

CHAPTER XLIX.

An Act authorizing and requiring Boards or Commissions having the management and control of paid police force to grant the members thereof yearly vacations.

[Approved March 10, 1891.]

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

SECTION 1. In every city or city and county of this State, where there is a regularly organized paid police force, the Board of Supervisors, Common Council, Commissions, or other body having the management and control of the same, are authorized and required once in every year to provide for granting each member thereof a leave of absence from active duty for a period of not less than ten nor more than fifteen days. Leaves of absence so granted must be arranged by said Board or Commission so as not to interfere with the police protection of any such city or city and county, or to impair in any way the efficiency of the department; and leaves of absence granted in case of sickness or in consequence of wounds or injuries received while in the discharge of duty shall not be construed to be or become a part of the leave of absence provided for by this Act. No deduction must be made from the pay of any police officer granted a leave of absence under provisions of this Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER L.

An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

[Approved March 10, 1891.]

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

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

- 1238.** Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:
- Eminent domain.** 1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States.
- Federal.** 2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature of this State.
- State.** 3. Public buildings and grounds for the use of any county, incorporated city, or city and county, village, town, or school districts, canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, incorporated city, or city and county, village, or town; or for draining any county, incorporated city, or city and county, village, or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city, or city and county, village, or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.
- County and city.** 4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads, steam, electric, and horse railroads, canals, ditches, flumes, aqueducts, and pipes, for public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.
- Roads, streets, etc.** 5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also, outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also, an occupancy in common by the owners or possessors of different mines of any place, for the flow, deposit, or conduct of tailings or refuse matter from their several mines.
- Wharves, railroads, etc.** 6. By-roads leading from highways to residences and farms.
- Mines.** 7. Telegraph lines.

8. Sewerage of any incorporated city, or city and county, Sewerage. or of any village or town, whether incorporated or unincorporated, or of any settlement, consisting of not less than ten families, or of any public buildings belonging to the State, or to any college or university.
9. Roads for transportation by traction engines or road locomotives.
10. Oil pipe-lines.
11. Roads for logging or lumbering purposes.

CHAPTER LI.

An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employés, to define the duties of said Board, and to appropriate the sum of twenty-five hundred dollars therefor.

[Approved March 10, 1891.]

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

SECTION 1. On or before the first day of May of each year, the Governor of the State shall appoint three competent persons to serve as a State Board of Arbitration and Conciliation. One shall represent the employers of labor, one shall represent labor employés, and the third member shall represent neither, and shall be Chairman of the Board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the Governor shall appoint some one to serve the unexpired term; *provided, however,* that when the parties to any controversy or difference, as provided in section two of this Act, do not desire to submit their controversy to the State Board, they may by agreement each choose one person, and the two shall choose a third, who shall be Chairman and umpire, and the three shall constitute a Board of Arbitration and Conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State Board. The members of the said Board or Boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this Act.

Appointment of Board of Arbitration.

Term.

When parties cannot agree.

Oath of office.

Duties of Board.

(transfer)

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employés, the Board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties

what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, and shall be recorded upon proper books of record to be kept by the Board.

Applica-
tion.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said Board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon receipt of said application, the

Notice.

Chairman of said Board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the Board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the Board entailed thereby. The Board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

Costs.

Binding
six months.

SEC. 4. The decision rendered by the Board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employes by posting a notice thereof in three conspicuous places in the shop or factory where they work.

Public in-
vestiga-
tion.

SEC. 5. Both employers and employes shall have the right at any time to submit to the Board complaints or grievances and ask for an investigation thereof. The Board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

Per diem.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State Treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

Appropriation.

SEC. 7. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the expenses of the Board for the first two years after its organization.

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

CHAPTER LII.

An Act to amend section two thousand and twenty-four of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

[Approved March 10, 1891.]

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

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

2024. The deposition of a witness out of this State may be taken upon a commission issued from the Court under the seal of the Court, upon an order of the Court, or a Judge or a Justice thereof, on the application of either party, upon five days' previous notice to the other. If the Court be a Justice's Court, the commission shall have attached to it a certificate, under seal by the County Clerk of such county, to the effect that the person issuing the same was an acting Justice of the Peace at the date of the commission. If issued to any place within the United States it may be directed to a person agreed upon by the parties, or if they do not agree, to any Judge or Justice of the Peace or Commissioner selected by the Court or Judge or Justice issuing it. If issued to any country out of the United States, it may be directed to a Minister, Ambassador, Consul, Vice-Consul, or Consular Agent of the United States in such country, or to any person agreed upon by the parties.

How deposition is taken.

Justice's Court.

Where to issue.

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

CHAPTER LIII.

An Act to amend section eight hundred and forty-nine of the Code of Civil Procedure, relating to the service of summons in actions in Justice's Courts.

[Approved March 10, 1891.]

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

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

849. The summons may be served by a Sheriff or Constable of any of the counties of this State; *provided*, that when a summons issued by a Justice of the Peace is to be served out of the county in which it was issued, the summons shall have attached to it a certificate, under seal, by the County Clerk of such county, to the effect that the person issuing the

Who may serve summons in Justice's Courts.

same was an acting Justice of the Peace at the date of the summons, or the summons may be served by any male resident, over the age of eighteen years, not a party to the suit, within the county where the action is brought, and must be served and returned, as provided in title five, part two, of this Code, or it may be served by publication; and sections four hundred and thirteen and four hundred and twelve, so far as they relate to the publication of summons, are made applicable to Justice's Courts, the word "Justice" being substituted for the word "Judge" wherever the latter word occurs.

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

CHAPTER LIV.

An Act to amend section one thousand two hundred and five of the Penal Code, relating to fines and imprisonment.

[Approved March 10, 1891.]

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

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

Imprisonment for fine.

1205. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied. But the judgment must specify the extent of the imprisonment, which must not exceed one day for every two dollars of the fine, nor extend in any case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted.

CHAPTER LV.

An Act to amend section one hundred and twenty-eight of the Civil Code of the State of California, relative to actions in divorce cases.

[Approved March 10, 1891.]

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

SECTION 1. Section one hundred and twenty-eight of the Civil Code of the State of California is hereby amended to read as follows:

Actions in divorce cases.

128. A divorce must not be granted unless the plaintiff has been a resident of the State for one year, and of the county in which the action is brought three months next preceding the commencement of the action.

CHAPTER LVI.

An Act making an appropriation to pay the deficiency in the appropriation for repairs to State Capitol building and furniture, for the forty-first fiscal year.

[Approved March 10, 1891.]

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

SECTION 1. The sum of five hundred forty and fifty one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for repairs to State Capitol building and furniture, for the forty-first fiscal year (as approved by the State Board of Examiners). Repairs to Capitol building, etc.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER LVII.

An Act to provide for the redemption of property which has been heretofore sold to irrigation districts for delinquent assessments.

[Approved March 10, 1891.]

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

SECTION 1. In all cases where property has heretofore been sold for delinquent assessments, under the provisions of the Act of March seventh, eighteen hundred and eighty-seven, providing for the organization of irrigation districts, and an irrigation district has become the purchaser, and has not disposed of the same, the person whose estate has been sold, or his heirs, executors, administrators, or other successors in interest, may redeem such property by paying to the Treasurer of the district wherein the property is situated the amount of assessments due thereon at the time of the sale, with interest thereon at the rate of two per cent per month; and also all assessments that were a lien upon said property at the time said assessments became delinquent; and also for each year since the sale for which assessments on said property have not been paid, an amount equal to the percentage of assessments for that year, upon the value of said real estate assessed for the year of the sale, with interest from the first day of January of each of said years, respectively, at the same rate; and also all costs and expenses, and fifty per cent penalty, Delinquent assessments.

Who may redeem property.

which may have accrued by reason of such delinquency and sale, and the costs and expenses of redemption, as herein specified. The Board of Directors of any district shall, on the application of any person desiring to redeem under the provisions of this Act, make an estimate of the amount to be paid, and shall, by a resolution entered on their minutes, authorize the Treasurer of the district, on the receipt of the amount determined by them, to give him triplicate certificates of the amount, specifying the several amounts thereof, one of which certificates shall be filed with the Secretary of the district, one with the County Recorder of the county in which the land is situated, and one with the Treasurer of the district, to whom payment of the money shall be made, on the issuance of said certificates. The County Recorder shall be paid by the redemptioner, for filing and recording said certificate, the sum of two dollars, and upon the filing of such receipt with the Recorder, any deed or certificate of sale that may have been made to the district shall become null and void; and all right, title, and interest acquired by the district under and by virtue of the assessment sale shall cease and determine. The receipt of the Treasurer of the district herein provided for shall be recorded in the Recorder's office of the county in which said property is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by said deed or certificate of sale.

Certifi-
cates.

Treasurer's
Receipt.

Sec. 2. This Act shall take effect immediately.

CHAPTER LVIII.

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

[Approved March 10, 1891.]

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

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

Section 777. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or waterfronts, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract,

How con-
tracts are
let.

and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the Board of Trustees may reject any and all bids presented, and readvertise, in their discretion. The Board of Trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder, after notice, as provided in this section, and the contract therefor shall be awarded separately from all other printing.

Publica-
tion.City print-
ing.

CHAPTER LIX.

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

[Approved March 10, 1891.]

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

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

Section 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or waterfronts, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period. Such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the Board of Trustees may reject any and all bids presented, and readvertise, in their discretion.

Notice of
publica-
tion.

CHAPTER LX.

An Act concerning the costs in civil actions for serving summonses and subpoenas.

[Approved March 10, 1891.]

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

Fees for
serving
writ.

SECTION 1. In all civil actions, when a summons or subpoena is served by a person other than the Sheriff, the person so serving shall be allowed by the Court issuing the process such sum as the Court may think proper, not exceeding the amount allowed Sheriffs by law.

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

CHAPTER LXI.

To amend section three hundred and ninety-four of the Code of Civil Procedure of the State of California, relative to the place of trial of certain actions where a county or city is a party and a citizen or corporation resident of another county is sued by a county or city.

[Approved March 10, 1891.]

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

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

Change of
venue.

394. An action against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action is brought by a county, or city and county, in which case it may be commenced and tried in any county, or city and county, not a party thereto; *provided further*, that whenever an action is brought by a county or city against citizens of another county, or a corporation doing business in the latter, the action must be, on the motion of the defendant, transferred for trial to a county other than the plaintiff, if the plaintiff be a county, and other than that in which the plaintiff is situated if the plaintiff be a city.

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

CHAPTER LXII.

An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to prohibit gaming.

[Approved March 10, 1891.]

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

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

330. Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employé, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey, or any banking or percentage game played with cards, dice, or any device, for money, checks, credit, or other representative of value, and every person who plays or bets at or against any of said prohibited games, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Gaming a misdemeanor.

Penalty.

CHAPTER LXIII.

An Act to authorize the establishment of County High Schools, and provide for their support.

[Approved March 10, 1891.]

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

SECTION 1. There may be established in any county in this State one or more County High Schools; *provided*, that at any general or special election, held in such county after the passage of this Act, the majority of all the votes cast at such election shall be in favor of establishing and maintaining such County High School, or schools, at the expense of the county.

County High Schools.

SEC. 2. The Board of Supervisors shall, at any general election to be held in any county after the passage of this Act, and upon the petition of fifty or more qualified electors and taxpayers of said county they must, submit the question to the qualified electors of establishing a County High School. They may, in their discretion, call a special election for such purpose upon the petition of at least fifty qualified electors of such

Election for.

Ballots. county. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For County High School;" and the voter may write or print thereafter on the ballot the word "Yes" or the word "No."

Location. **SEC. 3.** If the majority of all the votes cast are in the affirmative, it shall be the duty of the Board of Supervisors, within thirty (30) days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The Board of Supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months.

Special tax. **SEC. 4.** When such estimate shall have been made the Board of Supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a building, furnishing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve (12) months. Said tax shall be computed, entered on the tax roll, and collected in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be deposited in the County Treasury, and be known and designated as the County High School Fund, and shall be drawn from the Treasury as other moneys so appropriated are drawn.

Deed. **SEC. 5.** When the Board of Supervisors shall have properly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the County Board of Education, who shall hold the same in trust for the county.

Duties of County Board. **SEC. 6.** It shall be the duty of the County Board of Education to furnish to the Board of Supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary text-books (the State series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said school; to employ suitable teachers, janitors, and other employés, and discharge such employés when deemed advisable by them; and to do any and all other things necessary to the proper conduct of the school. The course of study shall be such as will, when it is completed by the student, fit him for admission to the University of California.

Duty of Supervisors. **SEC. 7.** It shall be the duty of the Board of Supervisors to include in their annual tax levy the amount estimated by the County Board of Education as needed to pay the expenses of conducting the County High School, and such amount, when collected and paid into the County Treasury, shall be known as the "County High School Fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said County High School: The County Board of Education shall draw their order on the County Superintendent of Schools, in the manner and form provided by law

for School District Trustees drawing orders on their District School Funds, and the County Superintendent shall draw his requisition on the Auditor, who shall draw his warrant on the County Treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "County High School Fund," in all other respects, except as specified in this Act, shall be subject to the law governing school districts.

SEC. 8. In case the qualified electors of any county deem it expedient to establish and maintain more than one County High School, then such additional school or schools may be established and maintained in the manner prescribed in this Act for establishing and maintaining a County High School. Additional High Schools.

SEC. 9. All High Schools shall be open for the admission of graduates holding diplomas from the County Grammar Schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admission shall be conducted by the County Board of Education and the Principal of the County High School. Who may be admitted.

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

CHAPTER LXIV.

An Act to amend section five hundred and thirty of an Act to establish a Political Code, approved March 12, 1872, relating to the office of Superintendent of State Printing, and providing for the election of such officer.

[Approved March 10, 1891.]

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

SECTION 1. Section five hundred and thirty of the Political Code is amended to read as follows:

530. The Superintendent of State Printing shall be elected at the same time and place and in the same manner as the Governor of the State, and his term of office and qualifications shall also be the same. He shall be a competent practical printer, and before entering upon the discharge of the duties of his office shall give a good and sufficient bond to the people of the State of California in the sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Governor, for the faithful performance of his duties, which bond shall be filed in the office of Secretary of State. Superintendent of State Printing to be elected.

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

CHAPTER LXV.

An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 10, 1891.]

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

Improve-
ments to
Capitol
grounds.

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to have the old wooden fence, sidewalk, and curb fronting on L, N, and Fifteenth Streets removed from the State Capitol grounds, and in their stead to have constructed granite posts and single chain fence; to have constructed a concrete sidewalk and granite curb, each of a quality and in workmanship equal to the concrete walk and granite curb already laid down upon the west part of said grounds, and in conformity therewith; all of said work to be done according to plans and specifications to be furnished by said Capitol Commissioners.

Appropriation.

SEC. 2. The sum of eighteen thousand four hundred dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act, and the Controller is hereby authorized and directed to draw his warrants for the same, and the State Treasurer is directed to pay said warrants.

CHAPTER LXVI.

An Act to provide for the completion of the ten tiers of granite steps in the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 10, 1891.]

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

Comple-
tion of
granite
steps in
Capitol
grounds.

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to advertise for bids for the completion of the ten tiers of granite steps in the State Capitol grounds, by contract. Said bids to include the material now on hand. Said work to be completed in accordance with the present plans and specifications and in workmanship equal to the work heretofore done on said steps.

Appropriation.

SEC. 2. The sum of six thousand dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act, and the Controller is hereby authorized and directed to draw his warrants for the same, and the State Treasurer is directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXVII.

An Act making an appropriation to pay the deficiency in the appropriation for the salaries of the members and officers of the Board of State Harbor Commissioners for the Bay of San Diego, from the eighteenth day of March, 1889, to the eighteenth day of March, 1891.

[Approved March 10, 1891.]

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

SECTION 1. The sum of sixteen thousand and eighty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salaries of the members and officers of the Board of State Harbor Commissioners for the Bay of San Diego, from the eighteenth day of March, eighteen hundred and eighty-nine, to the eighteenth day of March, eighteen hundred and ninety-one. To pay deficiency in salaries of San Diego Harbor Commissioners.

SEC. 2. The Controller of State is hereby directed to draw his warrant upon the State Treasurer for the said sum of sixteen thousand and eighty-five dollars in favor of said Board of State Harbor Commissioners for the Bay of San Diego, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LXVIII.

A bill to increase the number of Judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional Judge.

[Approved March 10, 1891.]

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

SECTION 1. The number of Judges of the Superior Court of the county of Tulare is hereby increased from one to two. Judges of Superior Court.

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

SEC. 3. The salary of said additional Judge shall be the same in amount, and shall be paid at the same time and in Salary.

the same manner, as the salary of the other Judge of the Superior Court of said county now authorized by law.

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

CHAPTER LXIX.

An Act to amend an Act entitled "An Act to reorganize Swamp Land District Number Seventy of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

[Approved March 10, 1891.]

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:

Boundaries of Swamp Land District No. 70.

Section 2. The boundaries of said district shall be as follows, to wit: Commencing at the center of section twenty-six (26), in township fifteen (15) north, of range one (1) east, of Mount Diablo base and meridian; thence running west to the segregation line between swamp and highlands at the southwest corner of the northwest quarter of section twenty-nine (29) of said township and range; thence northwesterly, following said line of segregation, to a point where the same intersects Butte Slough; thence down and along said Butte Slough to the line dividing section six (6), township and range aforesaid, into north and south halves; thence east to the line of segregation between swamp and highlands; thence east and south following said line of segregation to the southeast corner of the west half of the southwest quarter of section fourteen (14) of the aforesaid township and range; thence due south to the southwest corner of the east half of the northwest quarter of section twenty-three (23), township and range aforesaid; thence southeasterly, following the line of levee as now constructed, to the point of intersection of said levee with the line dividing section twenty-six of said township and range into north and south halves; thence west to the place of beginning.

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

Duties of Trustees.

Section 8. The Board of Trustees of said district shall, as soon as practicable after the passage of this Act, and annually thereafter, whenever further assessments are required, report to the said Board of Supervisors a statement showing:

First—The plans of the work done, or to be done, and estimates of the cost.

Second—The amount of the outstanding indebtedness of the district, if any, and the proportion, of not less than ten per cent, to be paid, together with estimates of the probable cost, repairs, and incidental expenses for the ensuing year. And the Board

of Supervisors shall therefrom ascertain and transmit to the Auditor a certificate of the rate of assessment which it will be necessary to levy on the aggregate of the amount charged on the tracts and lots described in the assessment list, in order to raise the requisite amount as shown by the report of the Trustees, and shall direct the Auditor to prepare a copy of said list, and to enter thereon, opposite to each tract or lot herein 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*, that whenever it shall be made to appear to the satisfaction of the Board of Supervisors, by affidavit or otherwise, that the name of the owner of any tract or lot, as shown upon the assessment list, or the number of acres therein contained, is incorrectly stated, whether such error was made at the time the assessment list was originally prepared, or is the result of subsequent change in the ownership of the land described, or otherwise, said Board shall, at the time of directing the Auditor to prepare a copy of said assessment list, also direct him to make such specific changes in the name of the owner, or in the number of acres, as will make such copy conform to the facts as found by them; and where a single tract or lot as described upon the original assessment list is found to be owned by two or more persons in severalty, the Board shall direct the Auditor, in making such copy, to describe each portion of such tract or lot so owned in severalty, separately, according to the ownership thereof, and to apportion the assessment charged against the whole among the parcels thereof, as separately assessed, in proportion to the number of acres contained in each parcel.

Duty of Auditor.

Errors.

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

Section 11. The County Treasurer shall be entitled to receive one per cent, and the Tax Collector shall be entitled to receive two per cent of the moneys collected by them, respectively, under the provisions of this Act, and the County Auditor shall receive the sum of fifty dollars for the services required of him under sections eight and nine of this Act, in each year in which an assessment is made.

Pay for collecting.

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

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

CHAPTER LXX.

An Act to amend the Penal Code of California, by adding a new section thereto, to be known as section three hundred and eight, relative to the sale or furnishing of tobacco or preparations thereof to persons under sixteen years of age.

[Approved March 10, 1891.]

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

SECTION 1. A new section is hereby added to the Penal Code of California, which shall be numbered as section three hundred and eight, as follows:

Selling tobacco to minors.

308. Every person who sells or gives or furnishes in any way to another who is in fact under the age of sixteen years, any tobacco, or preparation of tobacco, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars; *provided, however,* that this section shall not be deemed to apply to articles furnished on prescriptions from physicians authorized by law to practice medicine, nor to persons who supply such articles to their own children, nor to sales made to such minors upon the written consent of the parents or guardians of such minors first obtained in writing by the vender.

Exceptions.

CHAPTER LXXI.

An Act to amend section two thousand six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to roads and highways.

[Approved March 10, 1891.]

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

Section two thousand six hundred and eighty-one of the Political Code is hereby amended so as to read as follows:

Roads and Highways. Ten freeholders may petition to lay out.

2681. Any ten freeholders who will be accommodated by the proposed road, two of whom must be residents of the road district wherein any part of the proposed road is situated, and who are 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; *provided,* that when a road is petitioned for upon the dividing line between two counties, the same course shall be pursued as in other cases, except that a copy of the petition shall be presented to the Board of Supervisors of each county, who shall appoint viewers, to act jointly, and report to their respective Boards the action of such viewers; *provided further,* that all such roads shall be at least forty feet wide.

Width of road.

CHAPTER LXXII.

An Act to amend section two thousand six hundred and eighty-four of the Political Code of California, relating to highway and the appointing of viewers thereof.

[Approved March 10, 1891.]

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

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

2684. Upon filing such petition and bond, the Board of Supervisors must appoint three viewers, one of whom must be the County Surveyor, to view and survey any proposed alteration of an old, or of opening a new road, 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. 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 immediately upon its passage.

CHAPTER LXXIII.

An Act to amend sections three hundred and thirty-two, three hundred and thirty-three, and three hundred and thirty-four, and to repeal section three hundred and thirty-five of the Political Code of the State of California, approved March 12, 1872, relating to public reports.

[Approved March 10, 1891.]

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

SECTION 1. Section three hundred and thirty-two is hereby amended so as to read as follows:

332. All officers, Boards of Officers, Commissioners, Trustees, Regents, and Directors, required by law to make reports to the Governor or Legislature, except the Controller of State, must send the original draft of such reports to the Governor before the fifteenth day of September, in the year eighteen hundred and ninety-two, and in every second year thereafter. The Controller of State must send his report to the Governor before the fifteenth day of December, in eighteen hundred and ninety-two, and in every second year thereafter.

SEC. 2. Section three hundred and thirty-three is hereby amended so as to read as follows:

Board of
Examiners
to order
printed.

333. The Governor shall, upon receipt of such reports, submit the same to the State Board of Examiners, who shall order such a number of said reports, or part or parts of each report, printed as in their judgment will meet the requirements of law; *provided*, that in no instance shall a less number of copies be printed than is necessary to furnish at least ten copies of each report to all officers, Boards of Officers, Commissioners, Trustees, Regents, and Directors required by law to make reports to the Governor or Legislature.

SEC. 3. Section three hundred and thirty-four is hereby amended so as to read as follows:

Duty of
Superin-
tendent of
State
Printing.

334. The Superintendent of State Printing must print such reports, or such part or parts of said reports, as may be ordered by the State Board of Examiners, in a manner to be designated by said Board, before the first Monday in December next after receipt thereof, except the report of the State Controller, which shall be printed before the fifteenth day of January after the receipt thereof, and distribute the same in accordance with the directions of the Board of Examiners.

SEC. 4. Section three hundred and thirty-five is hereby repealed.

SEC. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER LXXIV.

An Act to amend section five hundred and thirty-one of the Political Code of the State of California, approved March 12, 1872, relating to State printing.

[Approved March 10, 1891.]

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

Section five hundred and thirty-one is hereby amended so as to read as follows:

Duties of
Superin-
tendent of
State
Printing.

531. The duties of the Superintendent of State Printing shall be as follows: He shall have the entire charge and superintendence of the State printing. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the Senate or Assembly all matter ordered by either House to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received, and when the work shall have been executed, he shall deliver the finished sheets or volumes to the Sergeant-at-Arms of the Senate or Assembly or of any

department authorized to receive them, whose receipts therefor shall be a sufficient voucher to the said Superintendent of State Printing for their delivery. He shall receive and promptly execute all orders for printing required to be done for the various State officers; *provided*, that all orders from the various State officers shall be first submitted to the State Board of Examiners, who shall examine the same, after which the Secretary of the said Board shall indorse on all requisitions for printing the allowance of the same by the said Board, and the State Printer shall execute no orders whatever unless first approved as herein provided. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employes; *provided*, that at no time shall he pay said compositors, pressmen, or assistants, a higher rate of wages than is paid by those employing printers in Sacramento for like work. He shall at no time employ more compositors or assistants than the absolute necessities of the State printing may demand, and he shall not permit any other than State work to be done in the State Printing Office. The Superintendent of State Printing shall, on or before the fifteenth day of September of each year, make a report, in writing, to the Governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show in detail all the items of expense attending the State printing, and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed for the use of the Legislature.

All orders to be submitted to Board of Examiners.

Who to employ.

Wages.

What to print.

Report.

CHAPTER LXXV.

An Act to add a new section to the Political Code of the State of California, to be known and designated as section four thousand three hundred and thirty-four, relating to the duties of officers.

[Approved March 10, 1891.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known and designated as section four thousand three hundred and thirty-four, to read as follows:

4334. In all cases in which any provision of law authorizes an officer who receives a salary to perform an official act, and he performs such act, all fees chargeable for the performance of such act shall be collected by him and paid over to the Treasurer or other officer authorized by law to receive the same.

Fees to be paid to Treasurer.

CHAPTER LXXXVI.

An Act entitled an Act to add another section to the Code of Civil Procedure of the State of California, relating to incompetent persons.

[Approved March 10, 1891.]

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

SECTION 1. A new section is hereby added to article two, part three, title eleven, of chapter fourteen of the Code of Civil Procedure of this State, to be known as section one thousand seven hundred and sixty-seven, to read as follows:

Definition
of incom-
petent.

1767. The phrase "incompetent," "mentally incompetent," and "incapable," as used in this chapter, shall be construed to mean any person who, though not insane, is, by reason of old age, disease, weakness of mind, or from any other cause, unable, unassisted, to properly manage and take care of himself or his property, and by reason thereof would be likely to be deceived or imposed upon by artful or designing persons.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act to amend section two thousand six hundred and seven of an Act entitled "An Act to add thirty-four sections to an Act of the Legislature of the State of California, to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, two thousand six hundred and six, two thousand six hundred and seven, and two thousand six hundred and eight, all relating to the establishing of a Board of State Harbor Commissioners for the bay of San Diego," approved March 18, 1889, relative to the salaries and pay of the officers and employes of the Harbor Commissioners of the bay of San Diego.

[Approved March 10, 1891.]

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

Section two thousand six hundred and seven of the above entitled Act is hereby amended to read as follows:

2607. The monthly salaries of the officers shall be as follows: Each of the three Commissioners, twenty-five dollars; the Secretary, who shall be elected by the Commissioners from their own number, one hundred dollars, in addition to his salary as Commissioner. The salaries and compensation of all other officers and employes, when appointed, shall be fixed by a majority of the Board of Harbor Commissioners, and all salaries shall be paid monthly on warrants drawn on the San Diego Harbor Improvement Fund, and shall be signed by the President and Secretary of the Board; *provided*, that in no event shall the State be liable for the salaries of the members of said Board of Commissioners, or of the Secretary thereof, or

Harbor Commissioners of the Bay of San Diego. Salaries of officers.

State not liable.

Board to
create no
indebted-
ness.

for the salary or compensation of any officer or employé elected or appointed by said Board, or upon any contract made or entered into by said Board. And it is hereby expressly provided that said Board of Commissioners shall not create any liability or indebtedness against the State in any manner or form whatsoever, and any liability or indebtedness so created, or attempted to be created, shall be absolutely null and void.

Sec. 2. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.

[Approved March 10, 1891.]

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

X
No insur-
ance on
State prop-
erty.

SECTION 1. No property belonging to this State shall hereafter be insured against risk of damage or destruction by fire, and no policy of fire insurance now existing upon any property belonging to this State shall be renewed at the expiration thereof, except the State Printing Office and its contents.

Sec. 2. This Act shall take effect immediately.

(Note: See also General Appropriation Bill)

CHAPTER LXXIX.

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

[Approved March 10, 1891.]

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

Contingent
expenses of
Senate.

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

Sec. 2. This Act shall take effect immediately.

CHAPTER LXXX.

An Act to amend section six hundred and fifty-four of the Political Code, relative to the Chairman of the Board of Examiners, Secretary, and salary.

[Approved March 10, 1891.]

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

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

654. The Governor, and in his absence the Secretary of State, is Chairman of the Board of Examiners. The Governor shall appoint a Secretary to hold office during his pleasure, whose salary is two thousand four hundred dollars per annum, payable as the salaries of other State officers. He is an executive officer attached to the Governor's office, and is authorized to administer oaths, and shall perform such duties other than Secretary as may be assigned to him by the Governor from time to time.

Salary of Secretary of Board of Examiners.

Duties.

SEC. 2. This Act shall go into effect immediately after its passage.

CHAPTER LXXXI.

An Act to divide the State into legislative districts, as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts.

[Approved March 11, 1891.]

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

SECTION 1. The State is hereby divided into eighty assembly districts, constituted as follows:

Assembly districts.

1. The counties of Del Norte and Siskiyou shall constitute the First Assembly District.

First.

2. All that portion of Humboldt County comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport shall constitute the Second Assembly District.

Second.

3. All that portion of Humboldt County not included in the Second Assembly District shall constitute the Third Assembly District.

Third.

4. The counties of Tehama and Trinity shall constitute the Fourth Assembly District.

Fourth.

5. The counties of Shasta and Modoc shall constitute the Fifth Assembly District.

Fifth.

6. The counties of Lassen, Plumas, and Sierra shall constitute the Sixth Assembly District.

Sixth.

- Seventh. 7. The county of Butte shall constitute the Seventh Assembly District.
- Eighth. 8. The counties of Yuba and Sutter shall constitute the Eighth Assembly District.
- Ninth. 9. The county of Mendocino shall constitute the Ninth Assembly District.
- Tenth. 10. The counties of Colusa and Lake shall constitute the Tenth Assembly District.
- Eleventh. 11. The county of Yolo shall constitute the Eleventh Assembly District.
- Twelfth. 12. The county of Nevada shall constitute the Twelfth Assembly District.
- Thirteenth. 13. The county of Placer shall constitute the Thirteenth Assembly District.
- Fourteenth. 14. The county of El Dorado shall constitute the Fourteenth Assembly District.
- Fifteenth. 15. The county of Amador shall constitute the Fifteenth Assembly District.
- Sixteenth. 16. All that portion of Sonoma County comprising the townships of Analy, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point, and Vallejo shall constitute the Sixteenth Assembly District.
- Seventeenth. 17. All that portion of Sonoma County not included in the Sixteenth Assembly District shall constitute the Seventeenth Assembly District.
- Eighteenth. 18. The county of Napa shall constitute the Eighteenth Assembly District.
- Nineteenth. 19. The county of Solano shall constitute the Nineteenth Assembly District.
- Twentieth. 20. All that portion of Sacramento County comprising the First and Third Wards of Sacramento City shall constitute the Twentieth Assembly District.
- Twenty-first. 21. All that portion of Sacramento County comprising the Second and Fourth Wards of Sacramento City shall constitute the Twenty-first Assembly District.
- Twenty-second. 22. All that portion of Sacramento County not included in the Twentieth and Twenty-first Assembly Districts shall constitute the Twenty-second Assembly District.
- Twenty-third. 23. The county of Marin shall constitute the Twenty-third Assembly District.
- Twenty-fourth. 24. The county of Contra Costa shall constitute the Twenty-fourth Assembly District.
- Twenty-fifth. 25. All that portion of San Joaquin County comprising the city of Stockton shall constitute the Twenty-fifth Assembly District.
- Twenty-sixth. 26. All that portion of San Joaquin County not included in the Twenty-fifth Assembly District shall constitute the Twenty-sixth Assembly District.
- Twenty-seventh. 27. The county of Calaveras shall constitute the Twenty-seventh Assembly District.
- Twenty-eighth. 28. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection where the center line of Market Street intersects the bay of San

Francisco, continuing thence along the center of the following named streets: Market to Third, Third to Bryant, Bryant to the waters of the bay of San Francisco; thence along the shore to Market, the place of beginning, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Third Streets, continuing thence along the center of the following named streets: Market to Fifth, Fifth to Bryant, Bryant to Third, Third to Market, the place of beginning, shall constitute the Twenty-ninth Assembly District. Twenty-ninth.

30. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Fifth Streets, continuing thence along the center of the following named streets: Market to Seventh, Seventh to Bryant, Bryant to Fifth, Fifth to Market, the place of beginning, shall constitute the Thirtieth Assembly District. Thirtieth.

31. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Market and Seventh Streets, continuing thence along the center of the following named streets: Market to Eleventh, Eleventh to intersection of Channel and Bryant, Bryant to Seventh, Seventh to Market, the place of beginning, shall constitute the Thirty-first Assembly District. Thirty-first.

32. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection where the center of Bryant Street intersects the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Bryant to intersection of Eleventh and Channel, along Eleventh to Harrison, Harrison to Napa, Napa to the waters of the bay of San Francisco; thence along the shore to Bryant, the place of beginning, shall constitute the Thirty-second Assembly District. Thirty-second.

33. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Napa Street and the bay of San Francisco, continuing thence along the center of the following named streets: Napa to Twentieth, Twentieth to Howard, Howard to Army, Army to Precita Avenue, Precita Avenue to Colusa, Colusa to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to its intersection with the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line to the intersection of the waters of the bay of San Francisco; thence along the shore of said bay to Napa Street, the place of beginning, shall constitute the Thirty-third Assembly District. Thirty-third.

34. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Market and Eleventh Streets, continuing thence along the center of the following named streets: Market to Valencia, Valencia to Ridley, Ridley to Guerrero, Guerrero to Twenty-first, Twenty-first to Howard, Howard to Twentieth, Thirty-fourth.

Twentieth to Harrison, Harrison to Eleventh, Eleventh to Market, the place of beginning, shall constitute the Thirty-fourth Assembly District.

Thirty-fifth.

35. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Howard and Twenty-first Streets, continuing thence along the center of the following named streets: Twenty-first to Church, Church to Army, Army to Guerrero, Guerrero to Old San José Road, Old San José Road to Thirtieth, Thirtieth to Mission; thence along Mission Street to Telegraph, or the New County Road; thence along said road to the boundary line dividing the counties of San Francisco and San Mateo; thence along said boundary line to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to Colusa, Colusa to Precita Avenue, Precita Avenue to Army, Army to Howard, Howard to Twenty-first, the place of beginning, shall constitute the Thirty-fifth Assembly District.

Thirty-sixth.

36. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Guerrero and Fourteenth Streets, continuing thence along the center of the following named streets: Fourteenth to South Broderick, South Broderick to Park Road; thence along Park Road to Frederick, Frederick to First Avenue, First Avenue to J, J to Fourth Avenue, Fourth Avenue to K, K to the waters of the Pacific Ocean, along the shore of said ocean to the boundary line dividing the counties of San Mateo and San Francisco; thence along the said boundary line to New County Road, along said road to Mission Road, Mission Road to Thirtieth, Thirtieth to Old San José Road, Old San José Road to Guerrero, Guerrero to Army, Army to Church, Church to Twenty-first, Twenty-first to Guerrero, Guerrero to Fourteenth, the place of beginning, shall constitute the Thirty-sixth Assembly District.

Thirty-seventh.

37. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Market Street and Van Ness Avenue, continuing thence along the center of the following named streets: Market to Valencia, Valencia to Ridley, Ridley to Guerrero, Guerrero to Fourteenth, Fourteenth to South Broderick, South Broderick to Park Road, around Park Road to Frederick, Frederick to First Avenue, First Avenue to J, J to Fourth Avenue, Fourth Avenue to K, K to the waters of the Pacific Ocean; thence along the shore of said ocean northerly to Avenue D, Avenue D to Stanyan, Stanyan to Grove, Grove to Van Ness Avenue, Van Ness Avenue to Market, the place of beginning, shall constitute the Thirty-seventh Assembly District.

Thirty-eighth.

38. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Avenue B and the Pacific Ocean, continuing thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk, Turk to Broderick, Broderick to O'Farrell, O'Farrell to Van Ness Avenue, Van Ness Avenue to Grove, Grove to Stanyan, Stanyan to Avenue D, Avenue D to

the Pacific Ocean; thence along the shore to Avenue B, the place of beginning, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the City and County of San Francisco ^{Thirty-ninth.} bounded as follows: Commencing at the point of intersection of the center of Sacramento and Hyde Streets, continuing thence along the center of the following named streets: Hyde to Sutter, Sutter to Jones, Jones to Market, Market to Van Ness Avenue, Van Ness Avenue to Sacramento, Sacramento to Hyde, the place of beginning, shall constitute the Thirty-ninth Assembly District.

40. All that portion of the City and County of San Francisco ^{Fortieth.} bounded as follows: Commencing at the point of intersection of Avenue B and the waters of the Pacific Ocean, continuing thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk, Turk to Broderick, Broderick to O'Farrell, O'Farrell to Van Ness Avenue, Van Ness Avenue to Sacramento, Sacramento to Central Avenue, Central Avenue to California, California to the east line of the City Cemetery; thence northerly in a direct line to the Pacific Ocean; thence along the shore in a southerly and westerly direction to the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Fortieth Assembly District.

41. All that portion of the City and County of San Francisco ^{Forty-first.} bounded as follows: Commencing at the intersection of Leavenworth Street with the waters of the bay of San Francisco, continuing thence along the center of the following named streets: Leavenworth to Broadway, Broadway to Hyde, Hyde to Sacramento, Sacramento to Central Avenue, Central Avenue to California, along California in a direct line to its intersection with the east line of the City Cemetery; thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore of said ocean and the said bay to Leavenworth, the place of beginning, shall constitute the Forty-first Assembly District.

42. All that portion of the City and County of San Francisco ^{Forty-second.} bounded as follows: Commencing at the junction of the center of Market and Mason Streets, continuing thence along the center of the following named streets: Mason to Broadway, Broadway to Hyde, Hyde to Sutter, Sutter to Jones, Jones to Market, Market to Mason, the place of beginning, shall constitute the Forty-second Assembly District.

43. All that portion of the City and County of San Francisco ^{Forty-third.} bounded as follows: Commencing at the intersection of the center of Market and Kearny Streets, continuing thence along the center of the following named streets: Kearny to Broadway, Broadway to Mason, Mason to Market, Market to Kearny, the place of beginning, shall constitute the Forty-third Assembly District.

44. All that portion of the City and County of San Francisco ^{Forty-fourth.} bounded as follows: Commencing at the point where the center of Kearny Street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Kearny to Broadway, Broadway to Leavenworth, Leavenworth

to the said bay; thence along the shore of said bay to Kearny, the place of beginning, shall constitute the Forty-fourth Assembly District.

Forty-fifth. 45. All that portion of the City and County of San Francisco bounded as follows: Commencing at a point where the center of Market Street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Market to Kearny, Kearny to the bay of San Francisco; thence along the shore of said bay to Market Street, the place of beginning, together with all the waters of the bay of San Francisco, and the islands contained therein, situated within the boundaries of the City and County of San Francisco, shall constitute the Forty-fifth Assembly District.

Forty-sixth. 46. All that portion of the county of Alameda comprising the townships of Murray and Washington, and that certain portion of Eden Township within the corporate limits of the town of Haywards, and that portion of said Eden Township known as Castro Valley Election Precinct, described as follows, to wit: Commencing at a point where the northerly line of the town of Haywards is intersected by a line known as the dividing line between San Lorenzo and Castro Valley Election Precincts; thence along said dividing line of said precincts to the middle line of San Lorenzo Creek; thence easterly and northerly along the middle line of said creek to the dividing line of Alameda and Contra Costa Counties; thence easterly and southerly along said dividing line of said counties to its point of intersection with the dividing line of Eden and Murray Townships aforesaid; thence along said dividing line between Eden and Murray Townships to the corner of Eden, Murray, and Washington Townships; thence westerly along the line dividing the townships of Washington and Eden to the middle of the mountain road from Haywards; thence northerly along the middle of the said road to the southerly boundary line of the town of Haywards; thence along the boundary line of Haywards and Castro Valley Election Precincts to the place of beginning, shall constitute the Forty-sixth Assembly District.

Forty-seventh. 47. All that portion of the county of Alameda comprising so much of Eden Township as is not included in the Forty-sixth Assembly District, and that portion of Brooklyn Township lying outside of the city of Oakland, and all of Alameda Township, shall constitute the Forty-seventh Assembly District.

Forty-eighth. 48. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at a point on the westerly line of the Seventh Ward, where the same is intersected by Thirteenth Street extended, continuing thence along the center of the following named streets: Thirteenth to Broadway, Broadway to Tenth, Tenth to Jefferson, Jefferson to Twelfth, Twelfth to Adeline, Adeline to the shore line of Oakland Creek, and thence extended to the boundary line of said city of Oakland in said creek; thence along said boundary line in said creek to the intersection of said boundary line with the boundary line between the Sixth and Seventh Wards of said city of Oakland, and thence along

said last mentioned boundary line to the place of beginning, shall constitute the Forty-eighth Assembly District.

49. All that portion of the county of Alameda comprising ^{Forty-ninth.} all that portion of the city of Oakland lying west of Adeline Street, and all that portion of the county of Alameda, being a portion of Oakland Township, lying outside of said city of Oakland, bounded as follows: Commencing at the intersection of the northern charter line of the city of Oakland with the dividing line between Bay and Temescal Election Precincts; thence northerly along said dividing line to where it intersects the southerly line of Berkeley Election Precinct; thence westerly along said line of Berkeley Election Precinct to the dividing line between Berkeley and West Berkeley Election Precincts; thence northerly along said dividing line last named to the southerly line of Ocean View Election Precinct; thence easterly along said last mentioned line to the dividing line between Alameda and Contra Costa Counties; thence northwesterly and westerly along said Alameda and Contra Costa boundary line of Alameda County and the City and County of San Francisco; thence southerly along said last named boundary line to the said northern charter line of the city of Oakland; thence easterly along said last named line to the point of beginning, shall constitute the Forty-ninth Assembly District.

50. All that portion of the county of Alameda comprising ^{Fiftieth.} that portion of the city of Oakland bounded as follows: Commencing at the intersection of the northern boundary line of said city with Adeline Street, continuing thence along the center of the following named streets: Adeline to Twelfth, Twelfth to Jefferson, Jefferson to Tenth, Tenth to Broadway, Broadway to Twentieth, or Delger Street, and thence along the continuation of said Twentieth Street to its intersection with the old charter line in the northwesterly arm of Lake Merritt; thence northerly along the old charter line following the meanderings of Cemetery Creek to the new charter line, or Logan Street, and thence to the place of beginning, shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Alameda comprising ^{Fifty-first.} all of Oakland Township outside the city of Oakland and not included in the Forty-ninth Assembly District, also that portion of Alameda County comprising the annexed district (so called) and lying east of the old charter line of the city of Oakland, as said line follows the center line of Cemetery Creek and into the northwesterly arm of Lake Merritt, north of said charter line as said line extends into the northeasterly arm of Lake Merritt, and north and east of the dividing line between Oakland and Brooklyn Townships, including also all that portion of the city of Oakland bounded as follows: Beginning at a point in the northeasterly arm of Lake Merritt where the old charter line is intersected by Twentieth Street extended, thence along the center line of the following named streets: Twentieth to Broadway, Broadway to Thirteenth, Thirteenth to its point of intersection with the line dividing Oakland and Brooklyn Townships, thence southerly along said line to its

intersection with the charter line of the city of Oakland, thence easterly along said charter line to its intersection with the said charter line at Park Street, thence northerly along said charter line to Millbury Street, thence along said street and its extension to the boundary line between Oakland and Brooklyn Townships, thence southwesterly and westerly along the old charter line to the place of beginning, comprising all the Seventh Ward and a portion of the Fifth Ward of the city of Oakland, shall constitute the Fifty-first Assembly District.

Fifty-second.

52. The county of San Mateo shall constitute the Fifty-second Assembly District.

Fifty-third.

53. The county of Santa Cruz shall constitute the Fifty-third Assembly District.

Fifty-fourth.

54. All that portion of the county of Santa Clara comprising the precincts of Agnews, Campbells, Jefferson, the town of Mountain View, Moreland, the town of Mayfield, the Fourth Ward of the city of San José, University, Willow Glen, Cupertino, and the town of Santa Clara, shall constitute the Fifty-fourth Assembly District.

Fifty-fifth.

55. All that portion of the county of Santa Clara comprising the First, Second, and Third Wards of the city of San José, and the precincts of Hester and Crandellville, shall constitute the Fifty-fifth Assembly District.

Fifty-sixth.

56. All that portion of the county of Santa Clara not included in the Fifty-fourth and Fifty-fifth Assembly Districts shall constitute the Fifty-sixth Assembly District.

Fifty-seventh.

57. The counties of Stanislaus and Merced shall constitute the Fifty-seventh Assembly District.

Fifty-eighth.

58. The counties of Tuolumne and Mariposa shall constitute the Fifty-eighth Assembly District.

Fifty-ninth.

59. The county of San Benito shall constitute the Fifty-ninth Assembly District.

Sixtieth.

60. The counties of Alpine, Inyo, and Mono shall constitute the Sixtieth Assembly District.

Sixty-first.

61. The county of Monterey shall constitute the Sixty-first Assembly District.

Sixty-second.

62. All that portion of the county of Fresno comprised in the following election precincts, as now constituted, to wit: Minturn, White's Bridge, Borden, Berenda, Fresno Colony, Cantua, Huron, Madera, Firebaugh, Washington Colony, Wildflower, Kingston, Mendocino, Lake, Eastin, Selma, Wartham, Pleasant Valley, Sycamore, Crescent, Chicago, Central Colony, Liberty, Fowler, Madison, West Park, Kingsburg, Malaga, Oleander, Temperance, Scandinavia, Ward Number Three, Fresno City, Ward Number Five, Fresno City, shall constitute the Sixty-second Assembly District.

Sixty-third.

63. All that portion of the county of Fresno not included in the Sixty-second Assembly District shall constitute the Sixty-third Assembly District.

Sixty-fourth.

64. All that portion of the county of Tulare comprised in the following election precincts, as now constituted, to wit: Tipton, Pixley, Alila, First, Second, Third, and Fourth Wards of Tulare, Buena Vista, Enterprise, Goshen, Traver, Grand View,

Excelsior, Grangeville, Hanford, Lucerne, Lake Side, Lemoore, Kings River, and West End, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Tulare not included in the Sixty-fourth Assembly District shall constitute the Sixty-fifth Assembly District. Sixty-fifth.

66. The county of Kern shall constitute the Sixty-sixth Assembly District. Sixty-sixth.

67. The county of San Luis Obispo shall constitute the Sixty-seventh Assembly District. Sixty-seventh.

68. The county of Santa Barbara shall constitute the Sixty-eighth Assembly District. Sixty-eighth.

69. The county of Ventura shall constitute the Sixty-ninth Assembly District. Sixty-ninth.

70. All that portion of the county of Los Angeles included in and comprising the following election precincts: Lancaster, Palmdale, Llano, Acton, Elizabeth Lake, La Liebre, Esperanza, Fairmount, Langs, Newhall, Los Virgines, Calabassas, San Vicente, National, Electric, Santa Monica, Monte Vista, Cahuenga, Santa Susana, Lankershim, San Fernando, Burbank, Garvanza, Glendale, La Cañada, Tejunga, North Pasadena, Pasadena City Precincts Numbers One, Two, Three, Four, Five, and Six, shall constitute the Seventieth Assembly District. Seventieth.

71. All that portion of the county of Los Angeles included in and comprising the following election precincts: Claremont, Lordsburg, Spadra, Pomona City Precincts Numbers One, Two, Three, and Four, Azusa, Glendora, El Monte, Farmdale, Old Mission, Monrovia, Duarte, Lamanda, Sierra Madre, San Gabriel, Alhambra, Knolls, South Pasadena, Rowland, Covina, Los Nietos, Whittier, and Rivera, shall constitute the Seventy-first Assembly District. Seventy-first.

72. All that portion of the county of Los Angeles included in and comprising the following election precincts: San Antonio, Fruitland, Florence, Vernon, Downey, Artesia, Clearwater, Norwalk, Compton, Lugo, Enterprise, Redondo, Long Beach, Cerritas, Wilmington, San Pedro, Catalina, Chautauqua, Ballona, Centinelli, La Dow, University, and Rosedale, shall constitute the Seventy-second Assembly District. Seventy-second.

73. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City Precincts Numbers One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen, shall constitute the Seventy-third Assembly District. Seventy-third.

74. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City Precincts Numbers Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, and Thirty-one, shall constitute the Seventy-fourth Assembly District. Seventy-fourth.

75. All that portion of the county of Los Angeles included in and comprising the following election precincts: Los Angeles City Precincts Numbers Thirty-two, Thirty-three, Thirty-four, Seventy-fifth.

Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, and Forty-seven, shall constitute the Seventy-fifth Assembly District.

Seventy-sixth. 76. The county of Orange shall constitute the Seventy-sixth Assembly District.

Seventy-seventh. 77. All that portion of the county of San Bernardino comprising the election precincts of Seven Oaks, Bear Valley, Holcomb Valley, Black Hawk, Bagdad, Providence, Needles, Ivanpah, Chino, Union, Rincon, Newberry, South Riverside, Temescal, Colton, East Colton, Cloverdale, San Timoteo, Beaumont, Pass, and Banning, together with the Third Supervisorial District, shall constitute the Seventy-seventh Assembly District.

Seventy-eighth. 78. All that portion of the county of San Bernardino not included in the Seventy-seventh Assembly District shall constitute the Seventy-eighth Assembly District.

Seventy-ninth. 79. All that portion of San Diego County situated within the corporate limits of the city of San Diego shall constitute the Seventy-ninth Assembly District.

Eightieth. 80. All that portion of San Diego County not included in the Seventy-ninth Assembly District shall constitute the Eightieth Assembly District.

When elected. SEC. 2. At the general election in the year eighteen hundred and ninety-two, and every two years thereafter, a member of the Assembly shall be elected in each of said hereinbefore constituted assembly districts.

Senatorial districts. SEC. 3. The State is hereby divided into forty senatorial districts, constituted as follows:

First. 1. The counties of Del Norte and Humboldt shall constitute the First Senatorial District.

Second. 2. The counties of Siskiyou, Trinity, Shasta, Modoc, and Lassen shall constitute the Second Senatorial District.

Third. 3. The counties of Plumas, Sierra, and Nevada shall constitute the Third Senatorial District.

Fourth. 4. The counties of Tehama and Butte shall constitute the Fourth Senatorial District.

Fifth. 5. The counties of El Dorado and Placer shall constitute the Fifth Senatorial District.

Sixth. 6. The counties of Yuba, Sutter, and Yolo shall constitute the Sixth Senatorial District.

Seventh. 7. The counties of Lake and Napa shall constitute the Seventh Senatorial District.

Eighth. 8. The counties of Mendocino and Colusa shall constitute the Eighth Senatorial District.

Ninth. 9. The county of Solano shall constitute the Ninth Senatorial District.

Tenth. 10. The county of Sonoma shall constitute the Tenth Senatorial District.

Eleventh. 11. The counties of Contra Costa and Marin shall constitute the Eleventh Senatorial District.

Twelfth. 12. The counties of Stanislaus, Merced, Tuolumne, and Mariposa shall constitute the Twelfth Senatorial District.

13. The county of Sacramento shall constitute the Thirteenth Senatorial District. Thirteenth.
14. The counties of Amador, Calaveras, Alpine, and Mono shall constitute the Fourteenth Senatorial District. Fourteenth.
15. The county of San Joaquin shall constitute the Fifteenth Senatorial District. Fifteenth.
16. The county of Fresno shall constitute the Sixteenth Senatorial District. Sixteenth.
17. All that portion of the City and County of San Francisco comprised within the boundaries of the Twenty-eighth and Twenty-ninth Assembly Districts, as fixed and described in this Act, shall constitute the Seventeenth Senatorial District. Seventeenth.
18. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirtieth and Thirty-second Assembly Districts, as fixed and described in this Act, shall constitute the Eighteenth Senatorial District. Eighteenth.
19. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-third and Thirty-fifth Assembly Districts, as fixed and described in this Act, shall constitute the Nineteenth Senatorial District. Nineteenth.
20. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-fourth and Thirty-sixth Assembly Districts, as fixed and described in this Act, shall constitute the Twentieth Senatorial District. Twentieth.
21. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-seventh and Thirty-eighth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-first Senatorial District. Twenty-first.
22. All that portion of the City and County of San Francisco comprised within the boundaries of the Fortieth and Forty-first Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-second Senatorial District. Twenty-second.
23. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-first and Thirty-ninth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-third Senatorial District. Twenty-third.
24. All that portion of the City and County of San Francisco comprised within the boundaries of the Forty-second and Forty-third Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-fourth Senatorial District. Twenty-fourth.
25. All that portion of the City and County of San Francisco comprised within the boundaries of the Forty-fourth and Forty-fifth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-fifth Senatorial District. Twenty-fifth.
26. All that portion of the county of Alameda comprised within the boundaries of the Forty-eighth and Forty-ninth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-sixth Senatorial District. Twenty-sixth.
27. All that portion of the county of Alameda comprised within the boundaries of the Fiftieth and Fifty-first Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-seventh Senatorial District. Twenty-seventh.

Twenty-eighth.

28. All that portion of the county of Alameda comprised within the Forty-sixth and Forty-seventh Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-eighth Senatorial District.

Twenty-ninth.

29. The counties of San Mateo and Santa Cruz shall constitute the Twenty-ninth Senatorial District.

Thirtieth.

30. All that portion of Santa Clara County not included in the Thirty-first Senatorial District shall constitute the Thirtieth Senatorial District.

Thirty-first.

31. All that portion of Santa Clara County comprising the townships of Redwood, Almaden, Gilroy, and Burnett, and the Third Ward in the city of San José, and all of the township of San José outside of the city of San José, except the precincts of Berryessa and Orchard, as now constituted, shall constitute the Thirty-first Senatorial District.

Thirty-second.

32. The counties of Inyo and Tulare shall constitute the Thirty-second Senatorial District.

Thirty-third.

33. The counties of San Benito and Monterey shall constitute the Thirty-third Senatorial District.

Thirty-fourth.

34. The counties of San Luis Obispo and Kern shall constitute the Thirty-fourth Senatorial District.

Thirty-fifth.

35. The counties of Santa Barbara and Ventura shall constitute the Thirty-fifth Senatorial District.

Thirty-sixth.

36. All that portion of the county of Los Angeles included in and comprising the following townships and election precincts: Antelope, Fairmount, Soledad, Los Angeles, Pasadena, South Pasadena, El Monte, and San Gabriel Townships, and all that part of the city of Los Angeles included in and comprising the following election precincts: Numbers One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen, shall constitute the Thirty-sixth Senatorial District.

Thirty-seventh.

37. All that portion of the county of Los Angeles included in and comprising the following election precincts: All that portion of the city of Los Angeles included in and comprising the following election precincts: Nineteen, Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-five, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Forty-four, Forty-five, Forty-six, and Forty-seven, shall constitute the Thirty-seventh Senatorial District.

Thirty-eighth.

38. All that portion of the county of Los Angeles included in and comprising the following townships: San José, Azusa, Rowland, Los Nietos, San Antonio, Downey, Long Beach, Wilmington, Catalina, Chautauqua, Santa Monica, Calabassas, San Fernando, Compton, Ballona, and Cahuenga, shall constitute the Thirty-eighth Senatorial District.

Thirty-ninth.

39. The counties of San Bernardino and Orange shall constitute the Thirty-ninth Senatorial District.

Fortieth.

40. The county of San Diego shall constitute the Fortieth Senatorial District.

SEC. 4. At the general election, in the year eighteen hundred and ninety-two, there shall be elected twenty Senators from the above named and constituted odd numbered districts, who shall hold office for four years. Twenty Senators shall be elected from said odd numbered districts every four years thereafter. The Senators elected in the even numbered districts fixed by the Act of March eighth, eighteen hundred and eighty-three, at the general election in eighteen hundred and ninety, shall continue in office for four years from and after twelve o'clock noon on the first Monday after the first day of January, eighteen hundred and ninety-one. At the general election in eighteen hundred and ninety-four, twenty Senators shall be elected from the hereinbefore named and constituted even numbered districts, who shall hold office for four years. Twenty Senators shall be elected, and every four years thereafter, from said hereinbefore constituted even numbered districts.

When elected.

Term of office.

SEC. 5. Neither Boards of Supervisors, municipal authorities, nor any other officer or officers, shall have the power to alter the boundaries of any township, ward, election precinct, or other local subdivision, of any county, city, city and county, or town, so as to change the boundaries of any senatorial or assembly district as constituted and defined in this Act.

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

No power to alter.

CHAPTER LXXXII.

An Act to amend an Act entitled "An Act to provide for the completion of all unfinished county, city, city and county, towns, and townships buildings in the several counties, cities and counties, cities, and towns throughout the State of California," approved March 10, 1887.

[Approved March 11, 1891.]

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

SECTION 1. Section one of the aforesaid Act is hereby amended to read as follows:

Section 1. In the event that the Board of Supervisors of the several counties, and cities, cities and counties, of the State of California shall deem it expedient to continue the construction of any unfinished county, or city and county, or town, or townships building or buildings, they are hereby authorized and empowered to express such judgment, by resolution or order, in such form as they may deem proper. And for the purpose of raising the money necessary to complete said building or buildings, the Board of Supervisors of the several counties, cities, and cities and counties of the State of California are hereby authorized and empowered to levy and collect annually, for the fiscal year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight, and each and every fiscal year thereafter, during

Board of Supervisors empowered to act.

Ad valorem tax.

the seven fiscal years next ensuing, in the same manner and at the same times as other taxes in said counties, cities, and towns, and townships, and cities and counties, are levied and collected, an ad valorem property tax on real and personal property within the said counties, or cities and counties, cities, towns, and townships, of not to exceed ten cents on each one hundred dollars of value, as shown by the assessment rolls of said counties, and cities and counties, cities, towns, and townships, for the current fiscal year.

 CHAPTER LXXXIII.

An Act to amend section five of an Act approved March 19, 1889, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever;" and to repeal the Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;" also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State," March 19, 1889.

[Approved March 11, 1891.]

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

SECTION 1. Section five of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Indebtedness of cities, towns, etc.

Section 5. No city, town, or municipal corporation shall incur an indebtedness for public improvements which shall, in the aggregate, exceed fifteen per cent of the assessed value of all the taxable real estate and personal property of such city, town, or municipal corporation.

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

 CHAPTER LXXXIV.

An Act to divide the State of California into congressional districts.

[Approved March 11, 1891.]

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

Congressional districts.

SECTION 1. For the purpose of electing Representatives in Congress, this State is hereby divided into seven congressional districts, as follows:

1. The counties of Del Norte, Siskiyou, Modoc, Humboldt, ^{First.} Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Mendocino, Sonoma, Napa, and Marin shall comprise the First Congressional District.

2. The counties of Butte, Sutter, Yuba, Nevada, Placer, ^{Second.} El Dorado, Amador, Calaveras, Mono, Inyo, Alpine, Tuolumne, Mariposa, San Joaquin, and Sacramento shall comprise the Second Congressional District.

3. The counties of Colusa, Yolo, Lake, Solano, Contra Costa, ^{Third.} and Alameda shall comprise the Third Congressional District.

4. All that portion of the City and County of San Francisco ^{Fourth.} bounded as follows: Commencing at a point of intersection of the center of Leavenworth Street and the bay of San Francisco, continuing thence along the center of the following named streets: Leavenworth to Broadway, Broadway to Hyde, Hyde to Sacramento, Sacramento to Van Ness Avenue, Van Ness Avenue to Market, Market to Eleventh, Eleventh to Harrison, Harrison to junction of Napa and Twentieth; thence along Twentieth to Howard, Howard to Army, Army to Precita Avenue, Precita Avenue to Colusa, Colusa to San Bruno Road or Avenue; thence along San Bruno Road or Avenue to the boundary line dividing the counties of San Mateo and San Francisco; thence along said boundary line to the bay of San Francisco; thence along the shore of said bay to Leavenworth Street, the place of beginning, with all the islands in the bay of San Francisco within the boundaries of the City and County of San Francisco, shall comprise the Fourth Congressional District.

5. All that portion of the City and County of San Francisco ^{Fifth.} not included in the Fourth Congressional District, with the islands known as the Farallon Islands, together with the counties of San Mateo and Santa Clara, shall comprise the Fifth Congressional District.

6. The counties of Santa Cruz, Monterey, San Luis Obispo, ^{Sixth.} Santa Barbara, Ventura, and Los Angeles shall comprise the Sixth Congressional District.

7. The counties of Stanislaus, Merced, San Benito, Fresno, ^{Seventh.} Tulare, Kern, San Bernardino, Orange, and San Diego shall comprise the Seventh Congressional District.

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

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

CHAPTER LXXXV.

An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

[Approved March 11, 1891.]

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

Must be a registered pharmacist.

SECTION 1. From and after the first day of January, A. D. eighteen hundred and ninety-two, it shall be unlawful for any person to conduct any pharmacy or store for dispensing or compounding medicines, unless such person be a registered pharmacist, within the meaning of this Act; and it shall be unlawful for any person to compound or 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 hereinafter provided.

Who can be.

SEC. 2. Any person, in order to be a registered pharmacist, must be a graduate of pharmacy, a licentiate in pharmacy, or a practicing pharmacist.

Who are graduates.

SEC. 3. Graduates in pharmacy are persons who have had four years' experience in stores where the prescriptions of medical practitioners are compounded, and each must have obtained a diploma from a legally constituted college of pharmacy.

Licentiate.

Licentiates in pharmacy are persons who have had four years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the State Board of Pharmacy, or who shall present satisfactory credentials or certificates of their attainments to the said Board.

Practicing pharmacists.

Practicing pharmacists are persons who, at the passage of this Act, are conducting pharmacies in this State for compounding and dispensing of prescriptions of medical practitioners, and for the sale of medicines and poisons.

Assistant pharmacists.

Assistant pharmacists are persons of not less than eighteen years of age, who are employed by registered pharmacists, have studied the art of pharmacy for two years, and have passed an examination by the Board of Pharmacy, or who, prior to the passage of this Act, have had three years' experience in pharmacies.

Proof.

SEC. 4. Every pharmacist claiming the right of registration under this Act shall, on or before the first day of January next after its passage, forward to the Board of Pharmacy satisfactory proof that he was engaged in the business of preparing and dispensing medicines and physicians' prescriptions at the time of passage of this Act, or that he is otherwise entitled to registration under its provisions. The Board of Pharmacy shall then issue to said applicant, upon his paying the sum of five dollars, a certificate of registration. Any practicing pharmacist failing to comply with the requirements of this section, within sixty days from and after the first day of January, eighteen hundred and ninety-two, shall forfeit his right to registration, and shall appear for examination, as provided for in this Act.

Failure to register.

SEC. 5. Every assistant pharmacist claiming right of registration under this Act, without passing an examination by the Board of Pharmacy, shall, on or before the first day of January next after the passage, forward to the Board of Pharmacy satisfactory proof that he has had three years' experience in drug stores where physicians' prescriptions are prepared; the Board of Pharmacy shall then issue to said applicant, upon his paying the sum of one dollar, a certificate of registration as assistant pharmacist. Any assistant failing to comply with the requirements of this section, within sixty days from and after the first day of January, eighteen hundred and ninety-two, shall forfeit his right to registration without passing the examination provided for in this Act. No registered assistant shall conduct a pharmacy, or be granted a certificate as a registered pharmacist, until he has passed the examination for licentiate in pharmacy, as required by this Act.

Assistant pharmacist.

Failure to comply with law.

SEC. 6. Within thirty days after the passage of this Act, and every fourth year thereafter, the Governor shall appoint seven competent pharmacists, residing in different parts of the State, to serve as a Board of Pharmacy. The members of this Board shall, within thirty days after their appointment, individually take and subscribe, before the County Clerk in the county in which they individually reside, an oath, faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office for the term of four years, and until their successors are appointed and qualified. In case of vacancy in the Board of Pharmacy, the Governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of said Board shall be located in San Francisco. The Board shall organize by electing a President and a Secretary, the latter to be ex officio Treasurer of the Board. Four members of the Board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of the Board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy; to investigate all complaints respecting non-compliance with, or violation of, the provisions of this Act, and to bring the same to the notice of the proper prosecuting officer, whenever there appears to the Board to be reasonable grounds for such action, and to examine and register as pharmacists, or assistant pharmacists, all applicants whom it shall deem qualified to be such, respectively. All persons, on applying for examination or registration, shall pay to the Secretary a fee of five dollars for licentiate, and two dollars for assistants; and on passing the examination they shall be furnished with a certificate, signed by the Secretary and Examiners. In case of failure to pass, the Board shall grant a second examination within one year, without any additional fee being charged. The Board shall render an annual report of its proceedings to the Governor of the State.

Board of Pharmacy.

Oath.

Term.

Vacancy.

Office.

Officers.

Quorum.

Duties.

Report.

SEC. 7. It shall be the duty of the Secretary to keep a book of registration open at the city of San Francisco, of which due notice shall be given through the public press or by mail, in

Duties of Secretary.

which book shall be entered, under the supervision of the Board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this Act. The Secretary shall give receipts for all money received by him, and disburse the same by order of the Board for necessary expenses, taking proper vouchers therefor. The balance of said moneys, after paying the expenses of the Board, he shall pay to the State Treasurer, who shall keep it as a special fund to be used in carrying out the provisions of this Act.

Compensation.

SEC. 8. The members of the Board of Pharmacy shall each be paid the sum of five dollars per diem, for every meeting of the Board which they attend, and the Secretary shall receive such additional compensation as the Board may direct. All compensation of members, and other expenses of the Board of Pharmacy, shall be paid out of the examination and registration fees and fines.

Adulteration prohibited.

SEC. 9. No person shall add to or remove from, or cause to be added to or removed from, any drug, chemical, or medicinal preparation, any ingredient or material for the purpose of adulteration or substitution, or which shall deteriorate the quality, commercial value, or medicinal effect, or alter the nature or composition of such article; and no person shall knowingly sell, or offer for sale, any such adulterated, altered, or substituted drug, chemical or medicinal preparation, without informing the purchaser of the adulteration or sophistication of the article sold or offered for sale. Every registered pharmacist shall file or cause to be filed all physicians' prescriptions compounded or dispensed in his pharmacy or store; they shall be preserved for two years, and he shall furnish a correct copy of any prescription, upon the order or request of the attending physician. Any person who shall willfully violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action; and for the first offense be liable to a fine not exceeding fifty dollars, and for each subsequent offense a fine of not less than fifty nor more than one hundred dollars, said fines to be paid over to the Board of Pharmacy. On written complaint being entered against any person or persons, charging them with specific violation of any of the provisions of this Act, the Board of Pharmacy is hereby empowered to delegate one of its members, or other suitable person, who shall have authority to inspect drugs, chemicals, or medicines, and to make a thorough investigation of the case; he shall then report the result of his investigation, and if such report justify such action, the Board shall notify the Prosecuting Attorney or District Attorney, who shall prosecute the offender according to law.

Physicians' prescriptions.

Misdemeanor.

Penalty.

Investigation.

Labels.

SEC. 10. It shall be unlawful for any person to retail any poisons enumerated in Schedules "A" and "B," appended to this Act, without labeling the box, bottle, or paper 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 to sell or deliver any poison named in Schedules "A" and "B," unless, on 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 to sell or deliver any poison included in Schedule "A" without making, or causing to be made, an entry in a book kept for that purpose only, stating the date of sale, and the name and address of 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 always be open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons when prescribed by practitioners of medicine, nor to the sale of poisons, if a single bottle or package does not contain more than an ordinary dose. Dealers shall affix to every bottle, box, parcel, or other inclosure of an original package containing any of the articles named in Schedules "A" and "B" of this Act, a suitable label or brand with the word "Poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale, or to a registered pharmacist or physician. Any person failing to comply with the requirements of this section shall be guilty of misdemeanor, and upon conviction shall be liable to a fine not exceeding fifty dollars.

SEC. 11. Any person that 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, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in a sum not exceeding two hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store by persons not registered, except by junior assistants under the direct supervision of registered persons, or any person not registered who shall retail medicines or poisons, except in a pharmacy under the supervision of a registered pharmacist or a registered assistant pharmacist, and any registered person who shall fail to comply with the regulations of this Act, shall be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding fifty dollars. Nothing in this Act shall apply to or interfere with the business of any practitioner of medicine who does not keep a pharmacy or open shop for the retailing of medicines or poisons, nor with the exclusive wholesale business of any dealer, except that portion of section ten which relates to marking or labeling certain poisons mentioned in this Act. Nor shall general dealers come under the provisions of this Act, in so far as it relates to the keeping for sale of proprietary medicines in original packages of drugs and medicines; but in no case shall they compound or prepare any pharmaceutical preparations or prescriptions.

Penalty for false registration.

Does not apply to practitioners.

Nor general dealers.

SEC. 12. All persons registered under this Act shall be exempt and free from jury duty.

SCHEDULE "A."

Schedule A. Arsenic, corrosive sublimate, cyanide of potassium, hydrocyanic acid, strychnia, cocaine, and all other poisonous vegetable alkaloids and their salts, opium, and all its preparations, excepting those which contain less than two grains to the ounce.

SCHEDULE "B."

Schedule B. Aconite, belladonna, colchicum, conium, nux vomica, savin, cantharides, phosphorus, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, and oxalic acid, white precipitate, red precipitate, biniodide of mercury, essential oil of almonds.

All Acts or parts of Acts which conflict with this are hereby repealed.

CHAPTER LXXXVI.

An Act creating a lien in favor of owners or those in charge of stallions, jacks, and bulls used for propagating purposes, and providing for the operation of such lien.

[Approved March 11, 1891.]

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

Lien. SECTION 1. Any owner or person having in charge a stallion, jack, or bull used for propagating purposes, shall have a lien for the agreed price for the service of such stallion, jack, or bull upon any mare or cow served for pay by any such stallion, jack, or bull, and upon the offspring of such service; *provided*, that the owner or person having in charge such stallion, jack, or bull shall, within ninety days after such service, file in the office of the County Recorder of the county where such mare or cow is served or kept, a verified claim containing a particular description of the mare or cow so served, the date and place of serving, the name of the owner or reputed owner of the mare or cow so served, a proper description, by name or otherwise, of the stallion or jack or bull performing such service, the name of the owner or person in charge thereof, and the amount of the lien claimed, which claim, when filed as aforesaid, shall operate as notice to subsequent purchasers and incumbrancers of such mare or cow for the term of one year from the date of the filing of such claim; *and provided*, that any willfully false representations concerning the breeding or pedigree of such stallion, jack, or bull made or published by the owner or person in charge of such stallion, jack, or bull, or by any one else at the request or instigation of such owner or person in charge, shall invalidate any lien claimed under or by virtue of the provisions of this Act.

Claim to be filed.

Willfully false representations vitiates lien.

SEC. 2. Suit to foreclose any lien created hereunder may be brought in any county where said mare, cow, or offspring from such service may be found, and the plaintiff, at the time of issuing summons, or at any time afterwards prior to the rendition of judgment therein, may have the mare or cow upon which said lien subsists, and the said offspring, attached as further security for the payment of any judgment he may recover, unless the defendant or person in possession of such mare, cow, or offspring give him good and sufficient security to pay such judgment, in which event the mare, cow, or offspring shall be forthwith discharged by the Sheriff from such attachment and from the lien hereunder created.

Suits to foreclose.

Security.

SEC. 3. The Clerk of the Court must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, showing:

When attachment will issue.

First—That the defendant is indebted to the plaintiff upon a demand for services rendered by the stallion, jack, or bull, belonging to or under charge of plaintiff, upon the mare or cow of defendant, for which his claim has been duly filed, in accordance with section one of this Act.

Second—That the sum for which the attachment is asked is an actual bona fide existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action is not prosecuted to hinder, delay, or defraud any creditor or creditors of the defendant.

SEC. 4. The writ must be directed to the Sheriff of the county in which suit is brought, and must require him to attach the mare or cow specified in such lien, and the offspring of such service, unless the defendant or person in possession of such mare, cow, or offspring give good and sufficient security as provided in this Act, in which case, to take such security and discharge any attachment he may have made, and to deliver up such mare, cow, or offspring to defendant or to the person from whom he has taken the same, who shall receive the same free from the lien upon which such suit is brought.

Duties of Sheriff.

SEC. 5. Sections five hundred and thirty-nine, eleven hundred and eighty-nine, eleven hundred and ninety-eight, and eleven hundred and ninety-nine of the Code of Civil Procedure are hereby made applicable to this Act.

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

CHAPTER LXXXVII.

An Act to prevent the sale of intoxicating liquors to minor children.

[Approved March 11, 1891.]

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

SECTION 1. Every person who sells or gives, or causes to be delivered, to any minor child, male or female, under the age of

Prohibit-
ing sale of
intoxicat-
ing liquors
to children.

eighteen years, any intoxicating drink in any quantity whatsoever, or who, as proprietor or manager of any saloon or public house where intoxicating liquors are sold, permits any such minor child under the age of eighteen years to visit said saloon or public house where intoxicating liquors are sold, for the purpose of gambling, playing cards, billiards, pool, or any game of chance, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, and in default of payment of said fine shall be imprisoned in the county jail for a period of not less than one hundred days.

Penalty.

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

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

CHAPTER LXXXVIII.

An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883; and also, since the passage of the Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

[Approved March 11, 1891.]

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

Validating
acts of mu-
nicipal cor-
porations.

SECTION 1. All cities and counties, cities, or towns, reorganized, or claiming to have been reorganized, since the passage of the Acts the titles of which are recited in the title hereof, or which have attempted since said dates to reorganize or incorporate under the provisions of said Acts, or either of them, and have acted as municipal corporations since such reorganization, are hereby declared to be and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal.

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

CHAPTER LXXXIX.

An Act to amend section six hundred and thirty-seven of the Penal Code of the State of California, relating to the construction and repairing of fish ladders on dams and other obstructions in the running waters of this State.

[Approved March 11, 1891.]

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

SECTION 1. 637. Every owner of a dam or other obstruction in any running water of this State, who, after being ordered and notified by the Fish Commissioners to construct a fish ladder on or to repair a fish ladder already constructed on such dam or other obstruction according to the plans of the Fish Commissioners, fails to construct or repair such fish ladder, within thirty days after such notice, is guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty dollars nor more than two hundred, or by imprisonment in the county jail in which such conviction is had of not less than twenty-five days nor more than one hundred days. Failure to construct or repair fish ladder. Fine.

2. One half of all moneys collected as fines for violations of the provisions of this Act shall be paid to the informer, one fourth to the District Attorney of the county where the conviction is secured, and the remaining one fourth shall be paid to the State Board of Fish Commissioners of this State, to be by them used for the purposes and in conformity of "An Act to authorize the State Board of Fish Commissioners to import game birds into the State for propagation," approved March sixteenth, eighteen hundred and eighty-nine. Who receives fines.

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

CHAPTER XC.

An Act to amend section two of an Act approved March 19, 1889, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;' also, to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State.'"

[Approved March 11, 1891.]

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

SECTION 1. Section two of the Act the title of which is recited aforesaid in the title of this Act is hereby amended to read as follows:

Construction of buildings, etc., by cities, towns, etc.

Section 2. Whenever the legislative branch of any city, town, or municipal corporation shall, by ordinance passed by a vote of two thirds of all its members, and approved by the executive of said city, town, or municipal corporation, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal buildings, bridges, waterworks, water rights, sewers, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, they may, after the publication of such ordinance for at least two weeks in some newspaper published in such municipality, and at their next regular meeting after such publication, or at an adjourned meeting, by ordinance passed by a vote of two thirds of all its members, and also approved by the said executive, call a special election and submit to the qualified voters of said city, town, or municipal corporation, the proposition for the purpose set forth in the ordinance, and no question other than the incurring of indebtedness for said purpose shall be submitted. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvement, the necessity for such improvement, and that the bonds of the municipality shall issue for the payment of the cost of such improvement, as in such ordinance set forth, if the proposition be accepted by the qualified voters, as hereinafter provided, and shall fix the day on which such special election shall be held, the manner of holding such election, and the voting for or against incurring such indebtedness; such election shall be held as provided by law for holding such election in such city, town, or municipal corporation; *provided,*

Notice.

Special election.

Ordinance.

however, that where by the terms or provisions of the charter of any city, town, or municipal corporation, the cost of making the proposed improvements is to be or must be paid from a special fund created by such charter for that purpose, the proposition of incurring such an indebtedness may be submitted to the qualified voters at any general election for officers of the State of California or of such city, town, or municipal corporation. May be submitted at general election.

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

CHAPTER XCI.

An Act to provide for furnishing assistants to every attorney and counselor, City Attorney, and City and County Attorney, and to each law officer, of whatever official name he may be designated, officially conducting the civil litigation of each city, or city and county, having one hundred thousand or more inhabitants, and providing the mode in which such assistants shall be appointed and designated as officers of each city, or city and county, and establishing the compensation and prescribing the duties of such assistants.

[Approved March 11, 1891.]

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

SECTION 1. It shall be lawful for the attorney and counselor, City Attorney, or City and County Attorney, or the law officer officially conducting the civil litigation, by whatever name he is now or hereafter may be designated, in each city, or city and county of this State, having one hundred thousand or more inhabitants, to select and appoint four assistants. Such assistants shall be persons learned in the law, and practitioners in the Supreme Court of this State, and shall be appointed by such attorney and counselor, City Attorney, or City and County Attorney, or law officer conducting the civil litigation of such city, or city and county, and hold their respective offices at the pleasure of the said appointing power. Assistants to City Attorney.
Qualifications.
Term.

SEC. 2. Such assistants shall be classified and designated as follows: First assistant, second assistant, third assistant, and fourth assistant. The said assistants shall be allowed and receive salaries as follows: The salary of the first assistant shall be three hundred dollars per month. The salary of the second assistant shall be two hundred and fifty dollars per month. The salary of the third assistant shall be two hundred dollars per month; and the salary of the fourth assistant one hundred and fifty dollars per month. The duties of said assistants shall be to attend to the civil litigation of the city, or city and county, for which they are appointed, under the direction of the said appointing power; *providing*, that nothing in this statute shall be so construed as to repeal any existing law or laws giving or authorizing clerical assistance to or for the said law Salaries.
Duties.

officer or officers; and providing furthermore, that the Board of Supervisors, Common Council, or other governing Board of such city, or city and county, shall have power to allow to such law officer or officers, and to authorize the same to appoint such clerical assistance as shall be necessary, and shall have power to fix and provide for the compensation thereof.

Clerical
assistance.

How
salaries
are paid.

SEC. 3. The salaries of the said assistants shall be audited and paid monthly out of the General Fund of the said city or city and county.

This Act shall take effect from and after its passage.

CHAPTER XCII.

An Act to amend section two thousand three hundred and forty-nine of the Political Code of California, relating to public waters and obstructions therein.

[Approved March 11, 1891.]

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

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

Streams
declared
public
ways.

2349. The following streams and waters are declared public ways: So much of a slough as lies between Simons Canal, in the town of Alviso, and the bay of San Francisco. Petaluma River, from its mouth to the southerly line of Washington Street, in the city of Petaluma. The Sonoma River, between its mouth and a point opposite Fowler's Hotel in the town of San Luis. The Napa River, between its mouth and the toll bridge. The Suisun River, between its mouth and the town of Suisun embarcadero. The Sacramento River, between its mouth and the mouth of Middle Creek. The Feather River, between its mouth and a point fifty feet below the bridge crossing Feather River first above the mouth of the Yuba River. The Yuba River, between its mouth and a point at the mouth of the slough at the foot of F Street, in the city of Marysville. The San Joaquin River, between its mouth and Sycamore Point. The Stockton Slough, between its mouth and the west line of El Dorado Street, in Stockton. The Mokelumne River, between its mouth and the first falls. The Tuolumne River, between its mouth and Dickinson's Ferry. Deer Creek, between the house of Peter Lassen and its mouth. Big River, three miles from its mouth. Noyo River, three miles from its mouth. Albion River, three miles from its mouth. San Antonio Creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio. The Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven. Mission Creek, in the county of San Francisco. That portion

of Channel Street in the city of San Francisco, and lying east of and between the easterly line of Harrison Street and the waterfront of the bay of San Francisco, the width thereof to be sixty feet from Harrison to the northeasterly line of Seventh Street, and one hundred and forty feet from the northeasterly line of Seventh to the city front. That certain creek running through tide land survey numbered sixty-eight, and swamp and overflowed land survey numbered one hundred and forty-five, from its mouth to the head of tide water therein. San Leandro Creek, from its mouth at San Francisco Bay to Andrews' Landing. San Lorenzo Creek, from its mouth at San Francisco Bay to Roberts' Landing. Johnson's Creek, from its mouth at San Francisco Bay to Simpson's Landing. The north branch of Alameda Creek, from its mouth to Eden Landing. San Rafael and Corte Madera Creeks, in Marin County, from their mouths as far up as tide water flows therein. The Neuces Creek, from its mouth at Suisun Bay to a point one half mile above the warehouse of George P. Loucks. Diablo Creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa County. The Arroyo de San Antonio, or Keys Creek, in Marin County, from its mouth at Tomales Bay to the warehouses on the point at Keys embarcadero. All the streams and sloughs emptying into Elk River, and all streams and sloughs south of Eureka, in Humboldt County, which are now or at any time have been used for the purpose of floating logs of timber, and all the sloughs south of Humboldt Point, in said county, that at high water have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight. Novato Creek or estuary, in Marin County, from its mouth to Sweetzer's Landing. Salinas River and Elkhorn Slough, or Estero Viejo, in Monterey County, from its mouth as far up as tide water flows.

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

CHAPTER XCIII.

An Act to amend an Act entitled "An Act to reincorporate the city of San José," approved March 17, 1874.

[Approved March 11, 1891.]

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

SECTION 1. Section sixty-seven (67) of the Act, the title of which is recited in the title hereof, is hereby amended to read as follows:

Section 67. All that certain tract or parcel of land situated and lying in the county of Santa Clara, and State of California, and being a portion of the pueblo lands of the city of San José, and commonly known as the "City Reservation," and

Declaring a portion of the city of San José a public park.

containing four hundred acres and fifty-five hundredths of an acre of land, as surveyed by J. J. Bowen, County Surveyor of Santa Clara County, March twenty-eighth (28) and twenty-ninth (29), eighteen hundred and sixty-seven (1867), is hereby declared a public park, and the Mayor and Common Council of said city are hereby authorized and empowered to pass such ordinances as may be necessary for the preservation of such reservation or park for public use; but said Mayor and Common Council shall have no power to sell or dispose of or alienate the said park or reservation; *provided, however,* that the said Mayor and Common Council may lease the same for a term not exceeding twenty years, upon such terms and conditions as they may deem proper; but such lease shall not authorize or permit any use or disposition of said park or reservation as to prevent the free use thereof, during the existence of said lease, by the people of said city, as a public park.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIV.

An Act to create the county of Glenn, to establish the boundaries thereof, and to provide for its organization.

[Approved March 11, 1891.]

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

County of
Glenn.

SECTION 1. There may be formed out of the northern part of Colusa County, a new county, to be called Glenn, in the manner and subject to the conditions herein named.

Bounda-
ries.

SEC. 2. The boundaries of said county shall be as follows: Beginning at a point on the boundary line between the counties of Colusa and Lake, as now established by law, at the northwest corner of the southwest quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian; running thence east along the half section line, and one and one half miles north of the line dividing townships seventeen and eighteen north, of Mount Diablo base and meridian, to Butte Creek, the boundary line between Colusa and Butte Counties; thence northerly along said Butte Creek, with said county line, to a point where the north line of township nineteen north intersects said Butte Creek; thence westerly along the boundary line between the counties of Butte and Colusa as now established by law, to the center of the Sacramento River; thence northerly, and following the meanderings thereof, along the center of said Sacramento River, to a point where the north line of township twenty-two intersects the center of the Sacramento River, being the initial point of Tehama County, as established by law; thence west along the north line of township twenty-

two north, to the southwest corner of Tehama County, as established in section three thousand nine hundred and fifteen of the Political Code; thence southerly on the summit of the Coast Range Mountains, on the established line between Mendocino and Lake and Colusa Counties, to the place of beginning.

SEC. 3. The seat of justice of said county of Glenn shall be at the town of Willows, until otherwise provided by law. County seat.

SEC. 4. There shall be held an election for county officers of said county on the first Tuesday in May, A. D. eighteen hundred and ninety-one, at which shall be elected a Judge of the Superior Court, County Clerk, Sheriff, Tax Collector, Treasurer, Recorder, Auditor, District Attorney, Assessor, Superintendent of Schools, County Surveyor, Coroner, Public Administrator, and five Supervisors. At said election there shall be submitted to the qualified electors of said county of Glenn, as hereinafter described, the question whether they desire a separate county government; and, for the purpose of ascertaining the choice of said electors, the ballots used at said election shall have, written or printed thereon, the words "For New County," "Against New County;" and all ballots from which the words "Against New County" are erased, shall be counted in favor of such separate county government; and all ballots from which the words "For New County" are erased, shall be counted against such separate county government. Said election shall be conducted in every respect, except as hereinafter otherwise provided, in accordance with the general law for the election of county and township officers. Election of officers.
Ballots.

SEC. 5. The Governor shall, when this Act takes effect, appoint five persons, residents and electors of the county of Glenn, who shall be and constitute a Board of Commissioners to perfect the organization of said county, a majority of whom shall constitute a quorum. Said Commissioners shall meet in the town of Willows, within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed in this Act, shall organize by electing one of their number as President, and shall elect a clerk. The clerk shall keep a record of their proceedings. Three of the number of said Board shall be necessary to transact business, and a majority of the votes of the members present at any meeting shall control in all matters coming before it. Commissioners.
Duties.
Quorum.

SEC. 6. For the purpose of designating the several election precincts in the said county, the said Board of Commissioners shall meet at the town of Willows two weeks before the day of election, and at said meeting they shall designate the precincts of the county, the house or place within the precincts where the election must be held, and the offices to be filled; and appoint two Inspectors, two Judges of Election, and two Clerks for each of said precincts. Precincts.

SEC. 7. The said Board of Commissioners, after designating the precincts of the county, and appointing the Inspectors, Judges, and Clerks of the different precincts, shall give notice thereof by posting a written or printed notice in each of the said precincts, stating therein the boundaries of said precincts, Notice.

and the names of the Inspectors, Judges, and Clerks of Election appointed for the same, and naming and numbering in numerical order, commencing with number one, the offices to be filled, and stating, also, that at said election there will be submitted to the qualified voters within the said county of Glenn the question of the final establishment of the said county.

Returns.

SEC. 8. Sealed returns from the officers of election of the several precincts shall be made to the Board of Commissioners, at such office as they may select in the town of Willows, within six days after the said day of election. On the sixth day after the said election, the said Board of Commissioners shall meet in the town of Willows, in said county, and the returns of said election shall be opened and read in public, and a tabular statement shall thereupon be made, under their direction and in their presence, showing the vote given at each precinct of the county, for each candidate for the several offices, and the entire vote given in the county for each person, and also the vote for and against a separate county government; which said statement, so made out, shall be signed by the President and Clerk of said Board.

Tabular statement.

Certificate of election.

SEC. 9. As soon as the said statement is made, the said Board, by an order entered upon its minutes, shall declare the result; and if a majority of those voting upon the question shall have voted in favor of a separate county government, the President of said Board shall immediately make out and send, or deliver, to each person chosen, a certificate of election, signed by him as President of the Board of Commissioners and attested by the Clerk of said Board.

Qualify.

SEC. 10. Each person elected to fill an office of said county under the provisions of this Act, shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as Judge of the Superior Court shall qualify before the President of said Board of Commissioners; and persons elected to offices of said county, other than the office of Judge of the Superior Court, shall qualify before the Judge of the Superior Court, or before the President of said Board of Commissioners, which said President of said Board of Commissioners, for said purpose, shall have power to administer to each of said persons his official oath.

Disposal of election returns.

SEC. 11. The President of said Board of Commissioners shall transmit a copy of the tabular statement, prepared as provided in section eight of this Act, to the Secretary of State within twenty days after said election. The election returns of said county, and the original tabular statement, shall be retained by the President of said Board of Commissioners until the person elected as Clerk of said county has qualified and entered upon the discharge of the duties of his office, after which they, with all the records of said Board of Commissioners, shall be immediately deposited with and filed by the Clerk of said county, and shall be retained by him as part of the records of his office.

SEC. 12. The Judge of the Superior Court chosen under the provisions of this Act shall hold his office until the first Monday in January, eighteen hundred and ninety-seven, and until his successor is elected and qualified. The other officers hereinabove enumerated shall hold their respective offices until the first Monday in January, in the year eighteen hundred and ninety-three, and until their successors are elected and qualified. The successors of the officers elected under this Act shall be chosen at the general election established by law, which takes place next preceding the expiration of their respective terms of office.

Terms of office.

Successors.

SEC. 13. As soon as the said county of Glenn shall have been divided into townships and road districts, in the manner provided by law, it shall be the duty of the Board of Supervisors thereof to appoint for each township two Justices of the Peace and two Constables, and for each road district a Road Overseer. Said Justices, Constables, and Road Overseer shall each, respectively, hold his office until the next general election, and until his successor is elected and qualified.

Justices of the Peace, Constables, and Road Overseers.

SEC. 14. The officers elected and appointed under the provisions of this Act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been elected or appointed, in counties of the class to which the said county of Glenn belongs, under the general classification of counties in this State; and until otherwise provided by law, said county shall be classified as a county of the thirty-seventh class.

Compensation.

SEC. 15. If, at said election, a majority of the votes cast, on the question of a separate county government, shall be "For New County," then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of the said election shall be ascertained and declared by the said Board of Commissioners.

When to be "new county."

SEC. 16. The said county of Glenn shall form a part of Assembly District Number Ten, and Senatorial District Number Eight, until otherwise provided by law.

Legislative apportionment.

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

CHAPTER XCV.

An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of Commissioner of Bureau of Labor Statistics, for the fortieth, forty-first, and forty-second fiscal years.

[Approved March 13, 1891.]

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

SECTION 1. The sum of eight hundred and seventy-eight dollars and sixty cents is hereby appropriated out of any

To pay
deficiency
of Bureau
of Labor
Statistics.

money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for contingent expenses of Commissioner of Bureau of Labor Statistics, for the fortieth, forty-first, and forty-second fiscal years.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVI.

An Act authorizing incorporated cities to acquire, by gift, purchase, or condemnation proceedings, water, water rights, reservoir sites, rights of way, and other appliances for supplying such cities and their inhabitants with water.

[Approved March 14, 1891.]

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

How to
acquire
water
rights.

SECTION 1. Any incorporated city in this State may acquire by gift, purchase, or condemnation proceedings, under the power of eminent domain, water, water rights, reservoir sites, rights of way for pipes, aqueducts, flumes, or other conduits, and all other property and appliances suitable and proper for supplying such city and its inhabitants with water.

SEC. 2. This Act shall go into effect immediately upon its passage.

CHAPTER XCVII.

An Act to appropriate money for the payment of the unpaid salary of the Deputy Reporter of the Decisions of the Supreme Court, for three months of the fortieth fiscal year.

[Approved March 14, 1891.]

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

To pay
unpaid
salary of
Deputy
Reporter of
Supreme
Court.

SECTION 1. The sum of six hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the unpaid salary of the Deputy Reporter of the Decisions of the Supreme Court, for the three months of April, May, and June, of the fortieth fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant on the General Fund for the payment of said sum, and the Treasurer is directed to pay the same.

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

CHAPTER XCVIII.

An Act making an appropriation to pay the deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest, for the forty-first fiscal year.

[Approved March 14, 1891.]

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

SECTION 1. The sum of three hundred and ninety-six and seventy-five one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest (as approved by the State Board of Examiners), for the forty-first fiscal year. Said sum to pay the claim of Messrs. Langhorne & Miller, attorneys at law, for services rendered the State of California, per authority of the late Attorney-General.

To pay claim against the State.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XCIX.

An Act making an appropriation to pay the deficiency in the appropriation for the traveling expenses incurred by the Commissioners appointed to select a site for a State Hospital for Insane, to be located in Southern California.

[Approved March 14, 1891.]

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

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses incurred by the Commissioners appointed by the Governor of the State of California, to select a site under an Act approved March eleventh, eighteen hundred and eighty-nine, entitled "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California."

Traveling expenses Commissioners Southern California Hospital for Insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER C.

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

[Approved March 14, 1891.]

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

To pay
deficiency
in expenses
Supreme
Court.

SECTION 1. The sum of four hundred and sixty dollars and sixteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CI.

An Act making an appropriation to be expended by the State Board of Examiners to pay deficiencies for support of the government that have accrued prior to the forty-first fiscal year.

[Approved March 14, 1891.]

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

Appropriation
for
deficiencies.

SECTION 1. The sum of two hundred and fifty-seven dollars and three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay deficiencies for support of the government that have accrued prior to the forty-first fiscal year, in sums not to exceed one hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER CII.

An Act making an appropriation to pay the deficiency in the appropriation for improvement of State Capitol grounds, for the forty-second fiscal year.

[Approved March 14, 1891.]

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

SECTION 1. The sum of two thousand three hundred and eighty-two and eighty-eight one hundredths dollars is hereby

appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the improvement of State Capitol grounds (as approved by the State Board of Examiners), for the forty-second fiscal year. To pay deficiency in improvement of Capitol grounds.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CIII.

An Act making an appropriation to pay the deficiency in the appropriation for payment of costs and expenses of trials of persons violating the laws for the preservation of fish, for the forty-second fiscal year.

[Approved March 14, 1891.]

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

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of cost and expenses of trials of persons violating the laws for the preservation of fish, for the forty-second fiscal year. To pay deficiency in prosecution of violations of fish laws.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CIV.

An Act making an appropriation to pay the deficiency in the appropriation for fuel, lights, postage, and incidental expenses of the Board of Railroad Commissioners, for the fortieth fiscal year.

[Approved March 14, 1891.]

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

SECTION 1. The sum of three hundred and twenty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for fuel, lights, postage, and incidental expenses of the Board of Railroad Commissioners (as approved by the State Board of Examiners), for the fortieth fiscal year. To pay deficiency in expenses Railroad Commissioners.

SEC. 2. The Controller is hereby authorized to draw his

warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CV.

An Act to amend section one hundred and ninety-seven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 13, 1885, March 17, 1887, and March 16, 1889, relating to the salary of the county officers in the counties of the thirty-fifth class.

[Approved March 14, 1891.]

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

SECTION 1. Section one hundred and ninety-seven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three, as amended March fourteenth, eighteen hundred and eighty-five, March eighteenth, eighteen hundred and eighty-five, March seventeenth, eighteen hundred and eighty-seven, and March sixteenth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Compensation of officers in counties of thirty-fifth class.

197. In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twelve hundred dollars per annum.
2. The Sheriff, two thousand dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, six hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, eight hundred dollars per annum, including Deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred (100) dollars per month.
8. The District Attorney, six hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, two hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.

15. The Supervisors, six dollars per day, not to exceed three hundred dollars per annum, and for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat, at each session of the Board.

SEC. 2. This Act shall take effect and be in force from and after April first, eighteen hundred and ninety-one.

CHAPTER CVI.

An Act giving the consent of the State of California to the reservation of certain lands by Congress.

[Approved March 14, 1891.]

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

SECTION 1. The State of California hereby consents to the reservations created by the Act of Congress, approved September twenty-fifth, eighteen hundred and ninety, entitled "An Act to set apart a certain tract of land in the State of California as a public park," and the Act of Congress, approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations;" and no further sales of school lands within the exterior boundaries of the tracts so reserved, as aforesaid, shall be made by the State.

Consenting to reservations for public parks, and forestreservations.

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

CHAPTER CVII.

An Act to amend section three thousand six hundred and thirty-six of "An Act to establish a Political Code," so as to provide for a list of transfers of real property, and relating to assessments of the same.

[Approved March 14, 1891.]

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

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

3636. If the name of the absent owner is known to the Assessor, or if it appears of record in the office of the County Recorder where the property is situated, the property must be assessed to such name. If unknown to the Assessor, and if it

In whose name property is to be assessed.

does not appear of record as aforesaid, the property must be assessed to unknown owners.

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

CHAPTER CVIII.

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

[Approved March 14, 1891.]

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

Contingent
expenses of
Assembly.

SECTION 1. The sum of nine thousand dollars (\$9,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the twenty-ninth session of the Legislature.

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

CHAPTER CIX.

An Act to amend sections eight, eighteen, twenty-one, and twenty-three of an Act entitled "An Act to incorporate the town of Red Bluff, Tehama County, California," approved March, 1876, and amended March, 1878.

[Approved March 17, 1891.]

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

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

Officers.

Section 8. There shall be elected at the annual election held in said town for the election of Trustees, a Police Judge, a Marshal, and an Assessor, who shall be ex officio Tax Collector. The Board of Trustees shall have the power, and it shall be their duty to do so, to appoint a Treasurer and the police force required; to fill by appointment, for the unexpired term, all vacancies occurring in elective offices; and to make such regulation governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered.

Vacancies.

Treasurer.

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 elec-

tion, 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 Assessor and Collector shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commissions (which shall be allowed by the Board), over to the Treasurer, taking his receipt for the same. He shall give bonds in the sum of five thousand dollars, conditioned for the faithful performance of his duties. The Marshal 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 has been directed and delivered to him from the Police Judge 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 Police Judge having jurisdiction of such violation against the defendant; *provided*, that in no case shall he receive greater fees than the 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 per month. He shall receive no other compensation for his services than that provided in this Act. The Police Judge and Marshal shall, severally, give bonds in the sum of two thousand dollars each, conditioned for the faithful performance of their respective duties. The Police Judge shall receive for his services such salary as the Board of Trustees may fix, and he shall receive no other compensation for his services than that provided in this Act.

Bonds.

Assessor.

Marshal.

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

Section 18. The Police Judge of said town shall have jurisdiction:

Jurisdiction of Police Judge.

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. He shall also have 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. He may issue such warrants of arrest as may be necessary to enforce such jurisdiction.

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

Section 21. The Police Judge shall collect any fines for breach of ordinance, shall pay over the same to the Treasurer, taking his receipt for the same; and he shall be liable on his official bond for all sums so collected by him.

Police Judge to pay fines to Treasurer.

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

Penalty for violation of an ordinance.

Section 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. Whenever sentence of imprisonment is passed upon such an offender, the Police Judge 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.

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

CHAPTER CX.

An Act to amend section six hundred and thirty-three of the Penal Code, relating to the taking of trout.

[Approved March 17, 1891.]

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

Misdemeanor to take trout in certain season.

633. Every person who takes, catches, or kills, or exposes for sale, or has in his possession, any speckled trout, brook or salmon trout, or any variety of trout, between the first day of November and the first day of April in the following year, except salmon trout taken with rod and line in tide water, is guilty of a misdemeanor.

CHAPTER CXI.

An Act to provide for the issuance and sale of State bonds to create a fund for the construction and furnishing by the Board of State Harbor Commissioners of a general ferry and passenger depot in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

[Approved March 17, 1891.]

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

Authority to incur debt.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the Board of State Harbor Commissioners, for the erection and furnishing of a general railroad, passenger, and ferry depot, at or near the foot of Market Street, in the City and County of

San Francisco, at a cost not to exceed six hundred thousand dollars, which the said Board of State Harbor Commissioners are hereby authorized to construct in the manner and method authorized by law, and at a cost not to exceed said six hundred thousand dollars, the State Treasurer shall, immediately after the issuance of the proclamation of the Governor, hereinafter provided for, prepare suitable bonds of the State of California: one thousand bonds, in the denomination of one hundred dollars each; five hundred bonds, in the denomination of five hundred dollars each; two hundred and fifty bonds, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of six hundred thousand dollars, which said bonds shall bear interest at the rate of four per centum per annum from their date, and shall be payable at the office of the State Treasurer at the expiration of nineteen years from their date. Said bonds shall bear date the first day of January, A. D. eighteen hundred and ninety-three, and shall be payable on the first day of January, A. D. nineteen hundred and twelve. The interest accruing on said bonds shall be due and payable at the office of the said Treasurer on the first day of January and the first day of July of each year; *provided*, that the first payment of interest shall be made on the first day of July, A. D. eighteen hundred and ninety-three, on so many of said bonds as have been theretofore issued. At the expiration of nineteen years from the date of said bonds, they shall cease to bear interest, and said Treasurer shall forthwith pay the same out of the San Francisco Depot Sinking Fund, provided for hereinafter in this Act. Said bonds shall be signed by the Governor, countersigned by the Controller, indorsed by said Treasurer, and shall have the seal of the State affixed thereto.

Description of bonds.

Interest. X

Interest payable. X

SEC. 2. Interest coupons shall be attached to each bond, so that they may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the State Treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue thereof to a purchaser.

Coupons.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the State Treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco Harbor Improvement Fund, on Controller's warrants duly drawn for that purpose.

Expense.

SEC. 4. When the bonds authorized to be issued under this Act shall be duly executed, numbered consecutively, and sealed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, and in such parcels as said Treasurer shall deem best; but he must reject any and all bids for said bonds, or any of them, which shall be below the par value of said bonds; and he may, by public announcement at the place of sale, continue such sale, as to the whole or any part thereof, to any time and place he may select. Due notice of the place and time of sale of such bonds shall be given by said Treasurer, by publication in two newspapers published in the

How sold.

Notice of sale.

City and County of San Francisco, and also in two newspapers published in the city of Oakland, two published in the city of Los Angeles, and two published in the city of Sacramento, once a week for four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco Harbor Improvement Fund, on Controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said Treasurer into the Treasury, and must be by him kept in a separate fund, to be known and designated as the "San Francisco Depot Fund," and must be used exclusively for the building and furnishing of said depot. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco Harbor Improvement Fund.

Depot
Fund.

Sinking
Fund.

Duty of
Treasurer.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco Depot Sinking Fund," shall be, and the same is hereby created, as follows: The State Treasurer shall, on the first day of each and every month after the date of said bonds, take from the San Francisco Harbor Improvement Fund the sum of four thousand six hundred and thirty-one dollars, and place the same in said San Francisco Depot Sinking Fund, created by this section. Said Treasurer shall, on Controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on the State bonds herein provided to be issued. And to provide means for the payment of said sum of five thousand one hundred and thirty-one dollars, monthly, from said San Francisco Harbor Improvement Fund into said San Francisco Depot Sinking Fund, and for the other payments out of said fund authorized by this Act, and as provided for therein, the said Board of State Harbor Commissioners are hereby authorized and directed, by the collection of dockage, wharfage, tolls, rents, and crantage, to collect a sum of money sufficient therefor, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. After the payment of all of said bonds the said Treasurer shall sell the United States bonds then in said sinking fund, at governing market rates, and place the proceeds in said San Francisco Depot Sinking Fund, and shall pay out the same in extinguishment of said State bonds, on Controller's warrants duly drawn for that purpose.

How to
provide
means of
payment.

Surplus.

Treasurer
to report to
Governor.

SEC. 6. The State Treasurer shall keep full and particular account and record of all his proceedings under this Act, and he shall transmit to the Governor an abstract of all his proceedings thereunder, with his annual report, to be by the

Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this Act shall at all times be open to the inspection of any party interested, or the Governor, or Attorney-General, or a committee of either branch of the Legislature, or a joint committee of both.

SEC. 7. It shall be the duty of the State Treasurer to pay ^{Interest.} the interest on said bonds when the same falls due, out of the sinking fund provided for in this Act, on Controller's warrants duly drawn for that purpose.

SEC. 8. This Act, if adopted by the people, as hereinafter ^{To take effect.} provided for, shall take effect on the thirty-first day of December, A. D. eighteen hundred and ninety-two, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this Act shall take effect immediately.

SEC. 9. This Act shall be submitted to the people of the ^{To be submitted to people.} State of California for their ratification at the next general election to be holden in the month of November, A. D. eighteen hundred and ninety-two; and the qualified electors of the State shall, at said election, on their ballots, vote for or against this Act; those voting for the same shall write or have printed on their ballots the words "For the San Francisco Depot Act," ^{Ballots.} and those voting against the same shall write or have printed on their ballots the words "Against the San Francisco Depot Act." The Governor of this State shall include the submission of this Act to the people as aforesaid in his proclamation calling for said general election. ^{Proclamation.}

SEC. 10. The votes cast for or against this Act shall be ^{Returns.} counted, returned, and canvassed, and declared in the same manner and subject to the same rules as votes cast for State officers; and if it appear that said Act shall have received a majority of all the votes cast for and against it at such election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this Act, then the same shall be and become void.

SEC. 11. It shall be the duty of the Secretary of State to ^{Duty of Secretary of State.} have this Act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be holden in the month of November, A. D. eighteen hundred and ninety-two. The costs of such publication shall be paid out of the General Fund, on Controller's warrants duly drawn for that purpose.

SEC. 12. This Act may be known and cited as the "San Francisco Depot Act."

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

CHAPTER CXII.

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

[Approved March 17, 1891.]

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

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

Boards of Education. Section 797. The Board of Education shall meet on the second Tuesday after such general municipal election, and choose one of its members as President, and shall appoint a Secretary, who shall hold at the pleasure of said Board.

Meetings. The regular meetings of said Board shall thereafter be held as often as once in each month, in the place provided for the Board of Trustees, and the time for holding such meetings shall be fixed by the Board of Education. Special meetings of said Board may be held when called by written notice, signed by its President or three of its members, and delivered personally to each of its members who shall not have signed the same. Three members shall constitute a quorum, and no business shall be transacted by said Board of Education without the concurrence of three of its members; but a majority of the members present at any meeting may adjourn from time to time. All the meetings of said Board of Education shall be public, and full records of its proceedings shall be kept by the Secretary of said Board. The members of the Board of Education shall receive no compensation for their services as School Directors.

Quorum.

Compensation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIII.

An Act to ascertain and express the will of the people of the State of California upon the subject of requiring an educational qualification of voters.

[Approved March 17, 1891.]

WHEREAS, It is expedient that the wishes of the people of this State upon the subject of requiring an educational qualification of voters should be unmistakably expressed, in order that future Legislatures may be guided thereby in submitting amendments to the Constitution of the State; therefore,

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

SECTION 1. That thirty days prior to the next general State election the Governor shall issue his proclamation calling upon the electors to signify at said election their will as to whether an educational qualification should be required of voters in this State, by placing upon the ballots the words "For an educational qualification requiring every voter to be able to write his name and read any section of the Constitution in the English language," or the words "Against an educational qualification requiring every voter to be able to write his name and read any section of the Constitution in the English language;" and the Inspectors and the Judges of Election at each and every poll in the State shall ascertain and make returns of the number of votes cast "For an educational qualification requiring every voter to be able to write his name and read any section of the Constitution in the English language," and the number of votes cast "Against an educational qualification requiring every voter to be able to write his name and read any section of the Constitution in the English language," in like manner as other votes are required to be counted and returned; and an abstract thereof shall be transmitted by each County Clerk in the State to the Secretary of State, in the same manner that votes for State officers are now required to be transmitted.

SEC. 2. The Secretary of State shall make a complete abstract of the votes given at said election, and shall transmit a certified copy of the same to each County Clerk in the State.

CHAPTER CXIV.

An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March 18, 1885, by adding thereto an additional part numbered four, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, relative to a system of street improvement bonds.

[Approved March 17, 1891.]

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

SECTION 1. The above entitled Act is hereby amended by adding Part IV thereto, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four.

PART IV.

Cost to exceed two dollars per front foot.

Power to issue bonds.

Description of bonds.

Where paid.

Canceled by Treasurer.

What resolution must contain.

Section 38. Whenever the City Council shall find, upon estimates of the City Engineer, that the cost of any proposed work or improvement authorized by this Act will be greater than two dollars per front foot along each line of the street proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that bonds shall be issued to represent the cost of said work or improvement in the manner and form hereinafter provided. Said bonds shall be of the nature known as serials, and shall extend over a period not to exceed ten years, an even annual proportion of the principal sum thereof being payable on the first day of January every year after their date, until the whole is paid, and the interest being payable semi-annually, on the first days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and the interest thereon shall be paid at the office of the City Treasurer, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid upon the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said bonds and coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said City Treasurer shall cancel all interest coupons when he pays them, and shall note across the back of each bond any installment of principal that he shall pay thereon.

Section 39. When said City Council shall determine that bonds shall be issued to represent the expenses of any proposed work or improvement, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution

of award, and in all notices of said proceedings required by this Act to be either posted or published; and also a notice that a bond will issue to represent each assessment of fifty dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said Council upon an appeal, and describing the bonds, shall be included in the warrant provided for in section nine of this Act.

Section 40. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken by the City Council, as provided in section eleven, then five days after the final decision of said Council, and after the Street Superintendent shall have recorded the return, as provided in section ten, the said Street Superintendent shall make and certify to the City Treasurer a complete list of all assessments unpaid, which amount to fifty dollars or over upon any assessment and diagram number; and said Treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon any official map of said municipality, or upon any map on file in the office of the County Recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

Duty of Street Superintendent.

Duty of City Treasurer.

How described.

STREET IMPROVEMENT BOND.

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

\$— 100.

No. —.

Under and by virtue of an Act of the Legislature of the State of California, entitled (title of the Act), and particularly under the sections therein numbered as — consecutively to —, inclusive, I, out of the fund for the above designated Street Improvement Bonds, series —, will pay to —, or order, the sum of — (\$—), with interest at rate of — per centum per annum, all as is hereinafter specified, and at the office of the — Treasurer of the — of —, State of California. This bond is issued to represent the cost of certain street work upon —, in the — of —, as the same is more fully described in Assessment Number —, issued by the Street Superintendent of said —, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as Number —, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein,

Form of
bond.

and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said _____ of _____, County of _____, State of California, _____.

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

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

_____,
City Treasurer of the _____ of _____.

Assess-
ments less
than fifty
dollars.

Provided, that in case the amount of unpaid assessments upon any parcel of land shall be less than fifty dollars, then the same shall be collected as hereinbefore provided in part one of this Act; *provided, also*, that if any person, or his authorized agent, shall at any time before the issuance of the bonds present to said City Treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a Searcher of Records, that he is such owner of record, and with such affidavit said person notifies said Treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the Street Superintendent. The bonds so issued by said Treasurer shall be payable to the party to whom they issue, or order, and shall be of the nature hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the first day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the first day of January or July, as the case may be, next preceding the maturity of said

Owner may
elect not to
have bond
issued.To whom
payable.

Coupons.

bonds to the maturity thereof. The City Treasurer shall, in addition to his other duties in the premises, report all payments of principal upon said bonds to the Street Superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment, to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof and the accrued interest thereon shall be fully paid. The issuance of said bonds shall be conclusive evidence of the regularity of all previous proceedings and the validity of said lien. Duty of Treasurer.

Section 41. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been issued, any payment, either upon the principal or of the interest, shall not be made when the same is due, and the holder of the bond thereupon demands, in writing, that the said City Treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, shall become due and payable immediately, and on the day following shall become delinquent; and the City Treasurer shall act thereafter with all the powers and duties of the Tax Collector in the collection of unpaid State and county taxes, and shall forthwith proceed to advertise and sell said lot or parcel of land by proceedings in all respects the same as provided by law for the collection of delinquent State and county taxes. All such provisions and proceedings, after taxes have become delinquent, including the certificate of sale, the right of redemption, and the deed, with the respective costs thereof, are hereby made applicable to this case. Defaults.

Section 42. The term "City Treasurer," as used in this Act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality. City Treasurer.

Section 43. Whenever any railroad track or tracks of any description exists upon any street or streets on which the City Council has ordered work to be done or improvements made, excepting therefrom such portion as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, the said Council may, at any time thereafter, order such person or company to perform upon said excepted portion the work or improvement similar in all respects to that already ordered to be performed under the same specifications and superintendence, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon, it shall be the duty of the Clerk of said Council to deliver immediately a copy of such order, certified by him, to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company for thirty days, or within such extension of time as the City Council may grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the City Council to have such excepted work or improvement Railroad tracks on streets.
Duty of Clerk.

To file notice of assumption of work.

Failure to complete work.

Ordinance of intention.

Duty of Street Superintendent on failure of railroad to pay cost.

Description of bond.

performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order, such person or company may file with the Clerk of said Council a written assumption of the performance of said work or improvement according to the order, or a request to the Council to have such work or improvement performed for and at the expense of such person or company in the manner herein provided. The failure to file such instrument within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of the direct performance of said work or improvement, the City Council shall take no further proceeding in the matter, unless such person or company neglects or fails for thirty days, or such further time as the Council may grant, to comply with the provisions of the order. But if such person or company files the said request that the said Council have such work or improvement performed, or fails to perform said work within said thirty days, or within such further time as the Council may grant, then said City Council may pass an ordinance of intention to perform said work, which ordinance shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant, or within five days after the final decision of the Council on an appeal, the said person or company shall pay the cost of said work, or file with the Street Superintendent of said city a notice that he or it does not desire to pay for the cost of said work by installments, that the Street Superintendent of said city will issue bonds to represent the cost of said work, stating also that the cost of said work shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same will bear. A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of this Act; also, in the ordinance or resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning any such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final decision of the Council on an appeal, paid the cost of such work, or filed with the Street Superintendent a notice that he or it does not desire to pay for said work in installments, the Street Superintendent shall issue to the contractor or his assigns bonds for the amount of such cost, which shall describe the franchise, tracks, roadbed, and switches along or between which such work has been performed, and describing the same as upon the assessment and diagram, giving its assessment number. Such bond shall also describe the work performed, give the total amount of the cost of such work, the name of the owner of said railroad, the number of installments in which the cost of the work is to be paid, and the rate of interest which the deferred payments shall bear. Said bond shall be in sum not less than one hundred dollars nor more than one thousand dollars each, and shall recite that the total amount of the cost of said work, together with the interest thereon, as represented in said bond, is, except

State, county, and municipal taxes, a first lien upon that portion of the tracks, roadbed, and switches of said railroad along or between which work has been performed, and also upon the franchise of said railroad along that portion of the streets, alleys, or places upon which such work has been performed. Said Street Superintendent shall also keep a record of such bond as required by section eighteen of the Act of which this is amendatory. Whenever bonds have been issued, as herein provided, the same, together with the cost of such work, together with interest thereon, shall be, except State, county, and municipal taxes, a first lien upon that portion of the tracks, roadbed, and switches of said railroad along or between which said work has been performed, and also upon the franchise of said company along that portion of the streets, alleys, or places upon which said work has been performed. All provisions of section three hereof, in regard to the foreclosure of the same, shall apply hereto. All provisions of section four hereof shall also apply to the bonds contemplated by this section. None of the provisions of this Act, or of the Act to which it is amendatory, in regard to a protest against the work, shall apply to any work contemplated by this section. In case the person or company owning such railroad shall elect to do the work, and shall enter into a contract with the Street Superintendent, or, in case the owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done elect to take the contract, and enter into the same with the Street Superintendent as provided in section five of the Act of which this is amendatory, then all provisions herein in regard to payment by installments and issuing of bonds shall not apply. In case the person or company owning any railroad track or tracks to be assessed, as contemplated in section one hereof, shall file with the Street Superintendent, within the time therein specified, a notice that he or it does not desire to pay for said work by installments, then the same proceedings in regard to the collection of the cost of said work shall be had as is provided in the Act to which this is amendatory. All of the provisions in said Act not inconsistent with the provisions of this amendment shall apply hereto.

Lien.

Foreclosure.

May perform their own work.

Mode of enforcing payment.

Section 44. This Act shall take effect and be in force from and after its passage.

CHAPTER CXV.

An Act to amend sections one thousand nine hundred and seventeen, one thousand nine hundred and fifty-seven, one thousand nine hundred and fifty-nine, one thousand nine hundred and seventy, one thousand nine hundred and seventy-three, one thousand nine hundred and eighty, one thousand nine hundred and ninety, two thousand and twenty-two, two thousand and sixty-five, two thousand and ninety-four, two thousand and ninety-five, and two thousand and ninety-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

[Approved March 17, 1891.]

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

SECTION 1. Section one thousand nine hundred and seventeen of said Act is hereby amended to read as follows:

Staff of
Com-
mand-
in-Chief.

1917. His staff consists of one Adjutant-General, with the rank of Brigadier-General; one Chief Engineer, one Paymaster-General, one Judge-Advocate-General, one Inspector-General of Rifle Practice, one Surgeon-General, with the rank of Colonel, and sixteen Aids-de-Camp, with the rank of Lieutenant-Colonel, appointed by and holding office at the pleasure of the Commander-in-Chief, or until their successors are appointed and qualified.

SEC. 2. Section one thousand nine hundred and fifty-seven of said Act is hereby amended to read as follows:

Command-
ers of
batteries.

1957. Commanders of batteries not attached to regiments, and unattached companies, have the same authority with non-commissioned officers as is herein conferred upon commanders of regiments and battalions.

SEC. 3. Section one thousand nine hundred and fifty-nine of said Act is hereby amended to read as follows:

Term of
office.

1959. All enlisted men, on entering the National Guard, must join for not less than three years' service.

SEC. 4. Section one thousand nine hundred and seventy of said Act is hereby amended to read as follows:

Annual
inspection.

1970. There must be an annual inspection and muster of all the troops of the National Guard, in the month of March, each year, by brigade, regiment, battalion, or company, as may be deemed advisable by the brigade commander; and the commanding officer of each company must take out and certify triplicate muster rolls, showing the names and number of the members of the company, the officers in the order of their rank, and the privates in alphabetical order. He must transmit, through the proper military channels, one copy of the roll and list attached to the Major-General, one copy to the Brigadier-General of his brigade, and one copy to the Adjutant-General.

SEC. 5. Section one thousand nine hundred and seventy-three of said Act is hereby amended to read as follows:

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

Retired list.

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

How he may be retired.

3. Any commissioned officer who shall have served as such in the National Guard of this State for a continuous period of seven years, or for a period not continuous of ten years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command, with the rank held by him at the time such application is made. Upon being officially notified by the brigade commander, attested by the Adjutant-General of the State, the Commander-in-Chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section.

Retired by reason of length of service.

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

Duties of retired officers.

Roster.

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

Rank.

SEC. 6. Section one thousand nine hundred and eighty of said Act is hereby amended to read as follows:

1980. Each Brigadier-General commanding a brigade, with the consent of the Commander-in-Chief, may muster in and attach to it a Signal Corps, consisting of not to exceed ten members for each regiment in his brigade. Said Signal Corps shall be under the direct command of the signal officer upon the staff of the Brigadier-General commanding the brigade in which it is organized; and there shall be no other Signal Corps

Signal Corps.

How Signal Corps to be officered. in the National Guard, except as herein provided. Signal Corps mustered in in accordance herewith shall be officered as follows: Where the corps consists of ten men, and less than forty, it shall have one First Lieutenant, two Sergeants, and four Corporals. In all corps of forty or more members in number, there shall be one Captain, one First Lieutenant, three Sergeants, and six Corporals. All Captains and Lieutenants in the Signal Corps shall be elected by the members of their respective corps; shall qualify and be commissioned in all respects as other commissioned officers of the line of the National Guard are. All Sergeants and Corporals shall be appointed by their respective brigade commanders, upon recommendation of the signal officers in command of the corps. In Signal Corps, when for drills or in the performance of duty it shall be mounted, in whole or in part, there shall be allowed the same per diem for horses as is or may be allowed for cavalry horses. In all other respects, the provisions of this Code relating to companies shall govern and control said Signal Corps when-ever applicable.

SEC. 7. Section one thousand nine hundred and ninety of said Act is hereby amended to read as follows:

Staff of Colonel.

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

SEC. 8. Section two thousand and twenty-two of said Act is hereby amended to read as follows:

Annual encampment.

2022. The Commander-in-Chief shall annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company; and every division, brigade, regiment, battalion, or unattached company, assembled and encamped, under order of the Commander-in-Chief, for not less than seven days, shall receive from the State transportation to and from its place of encampment; and, in addition,

Allowance.

a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate of such last mentioned allowance, one dollar and twenty-five cents per day, shall not exceed the sum of four hundred dollars per company; and *provided further*, that when a division or brigade is regularly assembled and encamped for discipline and drill for not less than seven days, then, in addition to the above allowance, each general officer, and staff officer on the general staff, shall receive from the State the

sum of one dollar and twenty-five cents per day while regularly on duty in such camp; *and provided further*, that in any camp held in pursuance of orders from the Commander-in-Chief, all mounted officers and enlisted men shall likewise receive an additional sum of two dollars per day for each horse necessarily used by them at such encampment.

Mounted officers' allowance.

SEC. 9. Section two thousand and sixty-five of said Act is hereby amended to read as follows:

2065. Officers and privates while on active duty in the service of the State shall receive the same pay and allowance as the officers and privates in the United States Army, of similar grade, serving on the Pacific Coast; *provided*, that said pay shall not be less than two dollars per day, the same to be audited by the Board of Military Auditors, upon the payroll properly made up and signed by such officers; *and provided further*, that no pay shall be allowed to any officer or private when on duty in any camp mentioned in section two thousand and twenty of this Act.

Pay and allowance for active duty.

SEC. 10. Section two thousand and ninety-four of said Act is hereby amended to read as follows:

2094. There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes, upon the warrant of the State Controller, to the commanding officer of each infantry or artillery company of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each light battery having not less than four guns with which they regularly drill and parade, the sum of two hundred dollars per month; and to the commanding officer of each cavalry company, the sum of one hundred and fifty dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of seven dollars and fifty cents per month for each company in his command, for clerical expenses, stationery, printing, and postage; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twelve pieces, the additional sum of thirty-five dollars per month for such band; to each Brigadier-General, five dollars per month for each company in his command; and to the Major-General, six hundred dollars per annum; and to each company, a sum necessary for uniforms, and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the Adjutant-General, three thousand five hundred dollars per annum, to be expended by him in promoting rifle practice.

Monthly allowance to each company.

Allowance to commanding officers.

Allowance to Brigadier and Major-Generals.

Allowance for promoting rifle practice.

SEC. 11. Section two thousand and ninety-five of said Act is hereby amended to read as follows:

2095. No claim shall be allowed under the provisions of the preceding section, except upon demands made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the National Guard or Notary Public, and transmitted through the regular military

Form of demand.

channels, with the approval of each commanding officer through whose headquarters they are required to pass; *provided*, that demands for uniforms and promoting rifle practice may be made at any time. One copy of said demands shall be filed in the office of the Adjutant-General, and one copy sent to the Board of Military Auditors.

SEC. 12. Section two thousand and ninety-nine of said Act is hereby amended to read as follows:

Annual allowance to each company.

2099. The annual sum of two hundred and fifty dollars must be audited by the Board, and paid out of the appropriation for military purposes, to each company of the National Guard of fifty members or over, and an amount in proportion to every company of less than fifty members. The amount so audited and allowed must be paid to the commanding officer of such companies for the use thereof.

CHAPTER CXVI.

An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

[Approved March 19, 1891.]

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

Construction of contract.

SECTION 1. Every contract whereby a benefit may accrue to a party or parties therein named upon the death or physical disability of a person insured thereunder, or for the payment of any sums of money dependent in any degree upon the collection of assessments or dues from persons holding similar contracts, shall be deemed a contract of mutual insurance upon the assessment plan. Such contracts must show that the liabilities of the insured thereunder are not limited to fixed premiums.

Formation of corporations.

SEC. 2. Corporations may be formed under the general laws of this State to carry on the business of mutual insurance upon the assessment plan, and shall be subject only to the provisions of this Act. No such corporation shall issue contracts of insurance until at least two hundred (200) persons have applied, in writing, for membership or insurance therein, and have paid to the Treasurer of such corporation the sum of five thousand (5,000) dollars. This sum shall be invested in bonds or securities, approved by the Insurance Commissioner of this State, or deposited in some bank in this State where it will earn interest. Said bonds or securities, or evidences of such deposit, shall be placed, through the Insurance Commissioner of this State, with the State Treasurer, and the principal sum shall be held in trust for the contract holders of such corporation, with the right in the corporation to exchange said bonds, securities, or evidence of bank deposit for others of like value. Such corpo-

Deposit to be made with State Treasurer.

ration shall also, as a condition precedent to issuing any contracts of insurance, obtain the written certificate of the Insurance Commissioner that it has complied with the requirements of this Act; and that the name of the corporation is not the same as that of any other corporation of this or other States, as indicated by the Insurance Department reports in his office; nor shall the Commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder shall have legal existence after one year from the date of its articles, unless its organization has been completed and business commenced; nor shall any corporation or individual solicit, or cause to be solicited, any business, until such corporation shall have complied with the provisions of section six hundred and thirty-three of the Political Code of this State.

Written certificate of Insurance Commissioner to be obtained.

SEC. 3. Any existing corporation engaged in transacting the business of life, health, accident, or endowment insurance on the assessment plan, may reincorporate under the provisions of the Civil Code of this State, and under the provisions of this Act; *provided*, that it shall not be obligatory upon such corporation to reincorporate; and any such existing corporation may continue to exercise all rights, powers, and privileges conferred by this Act, the same as if incorporated hereunder.

May reincorporate.

SEC. 4. The contracts of insurance issued by such corporations shall specify the sum or sums to be paid upon the happening of the contingency insured against, and when such payments will be made. Unless the contract shall have been invalidated by fraud or by breach of its conditions, the corporation shall be obligated to pay the beneficiary the amount or amounts specified in its contract at the time or times therein named, and such indebtedness shall be a lien upon all the property of such corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of insolvency. Failure to make such payment, within thirty days after notice, at the home office, by mail, as provided by law, of final judgment, unless waiver is made by the beneficiary, shall constitute a forfeiture of the right to do business.

Contracts to specify sums to be paid.

Lien.

Failure to make payment.

SEC. 5. Every domestic corporation organized or doing business under this Act shall accumulate a Reserve or Emergency Fund, which shall at all times be not less than the largest benefit contracted to be paid by it to any one person. Every existing domestic corporation must accumulate such fund within one year from the date when this Act takes effect, and any corporation organized hereunder, within one year from the date of its certificate of incorporation. Such fund, to the extent of the largest amount contracted to be paid by any such corporation to any one person, shall be so invested and deposited, as provided in section two hereof, with the right in the corporation to exchange any such securities for others of equal value. The deposit required by section two of this Act shall constitute a part of the reserve required by this section, at the option of such corporation. When any corporation doing business hereunder shall discontinue business, this fund shall be returned to

Reserve fund.

Investment.

such corporation, or so disposed of as may be determined by the Superior Court of the county, or city and county, in which is its principal place of business.

Require-
ments
from for-
eign corpo-
rations.

SEC. 6. Corporations organized under the laws of any other State or country to transact the business of mutual assessment insurance, must, as a condition precedent to transacting business in this State, deposit with the Insurance Commissioner of this State a certified copy of its charter, or other instrument, required by its home authorities; a statement, under oath, of its President or Secretary of its business for the preceding year, in such form as may be required by the Insurance Commissioner of this State; an appointment of a General Agent, service upon whom shall bind the corporation; a certificate that for the next preceding twelve months it has paid, in full, the maximum amount named in its contracts of insurance; a certificate from the proper officer of its State or Government that like corporations of this State are legally entitled to do business in such State or country; copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fixed premiums; and evidence, satisfactory to the Insurance Commissioner, that the corporation has accumulated a fund equal to that required of like corporations in this State, constituting a Reserve or Surplus Fund, held in trust for the benefit of its contract holders, and so invested and held as required by the laws of the State or Government under which such corporation was organized. The Insurance Commissioner shall thereupon issue a license to such corporation to do business in this State. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true. Upon such revocation, notice thereof shall be given by the Insurance Commissioner, by publication in some newspaper published in the City and County of San Francisco, for two weeks, daily, and no new contracts shall be made by such company in this State. When any other State or country imposes any additional license, fees, taxes, or penalties upon any corporation organized or doing business under this Act, like license, fees, taxes, or penalties shall be imposed upon corporations of the same kind and their agents of such State or country doing business in this State.

License.

Limitation
as to age.

SEC. 7. No corporation doing business under this Act (except accident or casualty corporations) shall issue a contract of insurance upon the life of any person under fifteen years of age, or after he or she has passed his or her sixty-first birthday. Every such contract of insurance shall be founded upon written application therefor, and (except when the application is for health, accident, or casualty insurance only, or for one hundred dollars life insurance or less) such application shall be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, and showing the applicant to be in good health, and recommending the issuance of a contract of insurance. Any solicitor, agent, employé, examining physician, or other person making a false or fraudulent statement to any corporation doing business

Physi-
cian's cer-
tificate.

under this Act, with reference to any application for insurance or for the purpose of obtaining any money or benefit from such corporation, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the Court; and any person who shall make a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract holder in any such corporation, for the purpose of procuring or aiding the beneficiary or beneficiaries or contract holder in procuring the payment of a benefit named in the contract, shall be guilty of perjury, and may be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

False statements.

Penalty.

Perjury.

SEC. 8. The money, benefit, annuities, endowment, charity, relief, or aid to be paid as provided by the contracts issued by any corporation doing business under this Act, shall not be liable to attachment or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process, nor by operation of law, to pay any debts or liability of the contract holder or any beneficiary named thereunder.

Money exempt from attachment.

SEC. 9. Every domestic and foreign corporation doing business under this Act shall, annually, on or before the first day of February, file with the Insurance Commissioner, in such form as he shall prescribe, a statement of its affairs for the year ending on the preceding thirty-first day of December. The Insurance Commissioner, in person or by duly authorized deputy, shall have the power of examination into the affairs of any domestic corporation doing business or claiming to do business under this Act, at any time, in his discretion, and shall make such examination at least once a year.

Annual statement.

SEC. 10. If the Insurance Commissioner, after examination of the affairs of a corporation, shall find that such corporation is not doing its business in conformity to this Act, or that it is doing a fraudulent or unlawful business, or that it is not carrying out its terms of contract, or that it cannot within three months from the date of notice of default pay its obligations, he shall cite the President, Secretary, Manager, or General Agent of said corporation, or all of them, to appear before him (stating the time and place) to show cause why the authority of such corporation to do business shall not be revoked; and if they cannot show cause, then he shall report the facts to the Attorney-General of this State, who shall commence proceedings in the proper Court to restrain said corporation from doing any further business.

Duty of Commissioner when law is not complied with.

Report to Attorney-General.

SEC. 11. No policy or certificate issued by any corporation or association doing business under the provisions of this Act shall lapse or be lapsed for the non-payment of any assessments, dues, or premiums, unless the corporation or association has first mailed to the insured under such policy or certificate, at his or her last given Post Office address, a notice setting forth

Lapses.

the amount to be paid, and the time the same is due and payable; and such notice shall be mailed at least fifteen days before the assessment is due (*provided*, that such corporations doing business under this Act as collect specific amounts at specific dates, as contained in the contract, shall not be compelled to send such notices), and an affidavit made by the officer, bookkeeper, or clerk of any such corporation having charge of the mailing of notices, setting forth the facts as they appear on the records in the office of the said corporation, showing that such notice was mailed and the date of mailing, shall constitute conclusive evidence of the mailing of such notice.

Evidence thereof.

Fees. SEC. 12. The fees for filing statements, certificates, or other documents required by this Act, or for any service or act of the Insurance Commissioner, and the penalties for any violation of this Act, shall, except as otherwise provided herein, be the same as provided in the laws of this State relating to life insurance companies, and shall be disposed of as provided by such laws.

Expenses of prosecution. SEC. 13. And for all lawful expenses under this Act, or by reason of any of its provisions, in the prosecution of any suit or proceedings, or otherwise, for the enforcement of the provisions of this Act, the Insurance Commissioner must present bills, duly certified by him, and accompanied with vouchers, to the State Board of Examiners, who must allow the same, and direct payment thereof to be made; and the State Controller shall draw warrants therefor on the State Treasurer for the payment of the same to the Insurance Commissioner, in addition to the ordinary contingent expense, which warrants shall be payable out of the General Fund.

Do not apply to secret societies. SEC. 14. The provisions of this Act shall not apply to secret or fraternal societies, lodges, or councils, which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, nor to any mutual or benefit association organized or formed and composed only of members of any such society, lodge, or council exclusively.

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 immediately.

CHAPTER CXVII.

An Act to amend section six hundred and forty-seven of the Penal Code, concerning vagrants.

[Approved March 19, 1891.]

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

Vagrants defined. SECTION 1. Every person (except a California Indian) without visible means of living, who has the physical ability to

work, and who does not seek employment, nor labor when employment is offered him; or,

2. Every healthy beggar who solicits alms as a business; or, Beggar.

3. Every person who roams about from place to place without any lawful business; or, Tramps.

4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either of said offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly; or, Pick-pocket, thief, etc.

5. Every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night; or, Idle person.

6. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or,

7. Every lewd or dissolute person who lives in and about houses of ill-fame; or, Lewd person.

8. Every person who acts as a runner or capper for attorneys in and about Police Courts or city prisons, in incorporated cities, or cities and counties; or, Cappers for attorneys.

9. Every common prostitute and common drunkard, is a vagrant, and is punishable by imprisonment in the county jail not exceeding six months. Prostitutes and drunkards.

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

CHAPTER CXVIII.

An Act making an appropriation for the Reform School for Juvenile Offenders at Whittier.

[Approved March 19, 1891.]

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

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Trustees of the Reform School for Juvenile Offenders, to be expended by them for maintenance of the school from the first day of January, eighteen hundred and ninety-one, to the thirtieth day of June, eighteen hundred and ninety-one. Maintenance of Reform School at Whittier.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for said amount, upon the demand of the Trustees of the Reform School for Juvenile Offenders, and the Treasurer of the State is hereby authorized to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXIX.

An Act to amend sections nine and ten of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever; and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;' also, to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State,'" approved March 19, 1889.

[Approved March 19, 1891.]

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

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

Duty of legislative branch of municipal corporations.

Section 9. It shall be the duty of the legislative branch of every city, town, or municipal corporation, wherein public improvements are being made under the provisions of this Act, to make all needful rules and regulations for carrying out and maintaining such improvements; to appoint all needful agents, superintendents, and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interests of the municipality; *provided, however*, that in cities, towns, or municipalities operating under a charter heretofore or hereafter framed under section eight of article eleven of the Constitution, and having a Board of Public Works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the Board of Public Works of such city, town, or municipality.

Duty of Boards of Public Works.

Sec. 2. Section ten of said above entitled Act is hereby amended so as to read as follows:

Contracts to be let to lowest bidder.

Section 10. All contracts for the construction or completion of any public works or improvements, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise, for at least ten days, in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contract shall be made therefor. The said legislative

Advertising.

Bonds.

branch shall have the right to require such bonds as they may deem best from the successful bidder, to insure the faithful performance of the contract work. They shall also have the right to reject any or all bids; *provided, however*, that in cities, towns, or municipalities operating under a charter heretofore

or hereafter framed under section eight of article eleven of the Constitution, and having a Board of Public Works, all the matters and things required in this section to be done and performed by the legislative branch of the municipality shall be done and performed by the Board of Public Works of such city, town, or municipality.

CHAPTER CXX.

An Act to authorize and direct the sale of the site and buildings of the California Home for the Care and Training of Feeble-Minded Children, in Santa Clara County.

[Approved March 19, 1891.]

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

SECTION 1. The Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children are authorized and directed, upon the removal of the inmates of said institution to the new site at Glen Ellen, in Sonoma County, to sell the site and buildings of said institution in Santa Clara County; *provided*, that said property shall not be sold until the Governor of the State shall give his written approval of the price. The sale shall be made for cash, to the highest bidder, after advertisement of sale for a period of thirty days. Said advertisement to appear in one daily paper in San Francisco and one daily paper in San José; and the deed or deeds shall be signed by the President of said Board of Trustees. The money derived from the sale of said property shall be paid into the State Treasury through the Controller of State, and shall be credited to the General Fund.

Sale of
Santa Clara
site

Disposi-
tion of
proceeds

CHAPTER CXXI.

An Act to amend sections three thousand seven hundred and eighty and three thousand seven hundred and eighty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the redemption of lands sold at tax sale.

[Approved March 19, 1891.]

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

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

3780. A redemption of the property sold may be made by

Who may redeem and when. the owner, or any party in interest, within twelve months from the date of the purchase, or at any time prior to the filing of the affidavits and the application for a deed, as provided for in section thirty-seven hundred and eighty-five of this Code.

SEC. 2. Section thirty-seven hundred and eighty-five of the Political Code is hereby amended so as to read as follows:

Deed of Collector.

3785. If the property is not redeemed within the time allowed by law for its redemption, the Collector or his successor in office must make to the purchaser or his assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption.

Fee.

In counties where no fee for making said deeds is provided by law, the Collector shall be entitled to receive from the purchaser three dollars for making such deed. No charge must be made by the Collector for the making of any such deed where the State is the purchaser; and the acknowledgment of all said deeds, as provided in section three thousand seven hundred and seventy-three, shall be taken by the County Clerk free of charge; *provided, however,* that the purchaser of property sold for delinquent taxes, or his assignee, must, thirty (30) days previous to the expiration of the time for the redemption, or thirty days before he applies for a deed, serve upon the owner of the property purchased, or upon the person occupying the property, if said property is occupied, a written notice stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of the sale, the amount of property sold, the amount for which it was sold, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed; a duplicate of which notice shall, at the same time, be filed in the office of the County Recorder; and the owner of the property shall have the right of redemption indefinitely, until such notice shall have expired and said deed been applied for, upon the payment of the fees, percentages, penalties, and costs required by law. In the case of unoccupied property, if the owner cannot be found, a similar but conspicuous notice shall be posted, and kept posted, in a conspicuous place upon the property, during not less than thirty (30) days next before the expiration of the time for the redemption, or thereafter, next before the purchaser applies for a deed, which notice must also be published during the same period in a newspaper of general circulation, published in the county nearest the property, in every regular issue of such newspaper during the said period; and no deed of property sold at a delinquent tax sale shall be issued by the Tax Collector, or any officer, to the purchaser of such property, until the notice herein provided for shall have been given, and such purchaser shall have filed with such Tax Collector, or other officer, an affidavit showing that the notice hereinbefore required to be given has been given as herein required, and that due diligence has been used to notify the owner personally, which said affidavit shall be filed and preserved by the Tax Collector as other files, papers, and records kept by him in his office. Such purchaser shall be

Acknowledgment.

Notice to be served.

What to contain.

Duplicate to be filed with County Recorder Redemption.

Notice to be posted.

Published.

Owner to be notified.

entitled to receive the sum of three dollars for the service of said notice and the making of said affidavit, and also a reasonable amount for the cost of publication, when necessary, which sum of three dollars, and cost of publication, shall be paid by the redemptioner at the same time and in the same manner as other costs, percentages, penalties, and fees are paid; *provided, however*, that if redemption is made within eleven months of the date of sale the purchaser shall not be entitled to the three-dollar fee.

Purchaser
entitled to
certain
sum.

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

CHAPTER CXXII.

An Act entitled an Act to amend section four hundred and seventy-two of the Political Code, providing for deputies in the office of the Attorney-General, and fixing their salaries.

[Approved March 19, 1891.]

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

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

472. The Attorney-General may appoint three deputies, who shall be civil executive officers. The annual salary of the first deputy shall be twenty-four hundred dollars. The annual salary of the second deputy shall be twenty-four hundred dollars. The annual salary of the third deputy shall be twenty-four hundred dollars. Said salaries shall be payable in the same manner as the salaries of other State officers.

Deputies
for Attor-
ney-Gen-
eral.

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

No special
counsel.

Subdivision 2. All Acts in conflict with this are hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXIII.

An Act to amend section one thousand three hundred and fifty-two and one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to executors and guardians of minors.

[Approved March 19, 1891.]

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

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

Married woman may be executrix.

1352. A married woman may be appointed an executrix. The authority of an executrix, who was unmarried when appointed, is not extinguished nor affected by her marriage.

SEC. 2. Section one thousand seven hundred and fifty-one of the Code of Civil Procedure of the State of California is hereby amended as follows:

Who may be guardian.

1751. The father or the mother of a minor child under the age of fourteen years, if found by the Court competent to discharge the duties of guardianship, is entitled to be appointed a guardian of such minor child, in preference to any other person. The person nominated by a minor of the age of fourteen years as his guardian, whether married or unmarried, may, if found by the Court competent to discharge the duties of guardianship, be appointed as such guardian. The authority of a guardian is not extinguished nor affected by the marriage of the guardian.

Marriage does not affect guardianship.

CHAPTER CXXIV.

An Act relating to the transfer of moneys now in the State Treasury, in what is known and designated as Estate of Deceased Persons Fund, to the General Fund, as a loan.

[Approved March 19, 1891.]

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

Transfer of funds from Estate of Deceased Persons Fund.

SECTION 1. The Controller and Treasurer of the State are hereby authorized to transfer on April first, eighteen hundred and ninety-one, the sum of eighty thousand dollars from the fund now in the State Treasury known and designated as "Estate of Deceased Persons Fund," to the General Fund, as a loan to said General Fund without interest.

SEC. 2. That in the event claims are hereafter presented and allowed, as by law in such cases made and provided, valid

and proper to be paid out of said fund known as "Estate of Deceased Persons Fund;" and in the event there is not remaining at the time of said presentation of said claim or claims sufficient money in said fund in the Treasury of the State to pay said claim or claims, then, and not otherwise, the said claim or claims so presented shall be paid out of the General Fund of the State to the extent of the money ordered to be transferred from said fund of the "Estate of Deceased Persons Fund" to the General Fund, as set forth in section one of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXV.

An Act to amend sections one thousand one hundred and eighty-seven and one thousand one hundred and eighty-nine, and to repeal sections one thousand one hundred and eighty-six and one thousand one hundred and ninety-one, of the Civil Code of the State of California, relating to the recording and the acknowledgment of transfers.

[Approved March 19, 1891.]

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

SECTION 1. Section one thousand one hundred and eighty-six of the Civil Code of the State of California is hereby repealed.

SEC. 2. Section one thousand one hundred and eighty-seven of the Civil Code of California is hereby amended so as to read as follows:

1187. A conveyance by a married woman has the same effect as if she were unmarried, and may be acknowledged in the same manner.

Conveyance by married woman.

SEC. 3. Section one thousand one hundred and eighty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

1189. The certificate of acknowledgment, unless it is otherwise in this article provided, must be substantially in the following form: "State of —, County of —, ss. On this — day of —, in the year —, before me (here insert name and quality of the officer), personally appeared —, known to me (or proved to me on the oath of —) to be the person whose name is subscribed to the within instrument, and acknowledged that he (she or they) executed the same."

Form of acknowledgment.

SEC. 4. Section one thousand one hundred and ninety-one of the Civil Code of California is hereby repealed.

SEC. 5. This Act shall take effect on the first day of July, eighteen hundred and ninety-one.

CHAPTER CXXVI.

An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and of all Acts amendatory thereof, as are in conflict herewith.

[Approved March 20, 1891.]

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

Classification and numbers of agricultural districts.

SECTION 1. The several counties of this State are divided and classified into agricultural districts, and numbered as follows, to wit: The counties of San Francisco and Alameda shall constitute Agricultural District No. 1. The counties of San Joaquin and Calaveras shall constitute Agricultural District No. 2. The counties of Butte and Colusa shall constitute Agricultural District No. 3. The counties of Sonoma and Marin shall constitute Agricultural District No. 4. The counties of San Mateo and Santa Clara shall constitute Agricultural District No. 5. The county of Los Angeles shall constitute Agricultural District No. 6. The county of Monterey shall constitute Agricultural District No. 7. The county of El Dorado shall constitute Agricultural District No. 8. The counties of Del Norte and Humboldt shall constitute Agricultural District No. 9. The counties of Siskiyou and Trinity shall constitute Agricultural District No. 10. The counties of Plumas and Sierra shall constitute Agricultural District No. 11. The counties of Lake and Mendocino shall constitute Agricultural District No. 12. The counties of Sutter, Yolo, and Yuba shall constitute Agricultural District No. 13. The county of Santa Cruz, save and except that part thereof southeast of the line beginning at a point where the Aptos Creek empties into the bay of Monterey, and extending directly northeast to the boundary line of Santa Clara County, shall constitute Agricultural District No. 14. The counties of Tulare and Kern shall constitute Agricultural District No. 15. The county of San Luis Obispo shall constitute Agricultural District No. 16. The county of Nevada shall constitute Agricultural District No. 17. The counties of Alpine, Mono, and Inyo shall constitute Agricultural District No. 18. All that portion of Santa Barbara County lying east of the Gaviota and south of the Santa Ynez Mountains shall constitute Agricultural District No. 19. The county of Placer shall constitute Agricultural District No. 20. The county of Fresno shall constitute Agricultural District No. 21. The county of San Diego shall constitute Agricultural District No. 22. The county of Contra Costa shall constitute Agricultural District No. 23. All that part of Santa Cruz County southeast of a

line beginning at a point where the Aptos Creek empties into the bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara County, shall constitute Agricultural District No. 24. The county of Napa shall constitute Agricultural District No. 25. The counties of Sacramento and Amador shall constitute Agricultural District No. 26. The county of Shasta shall constitute Agricultural District No. 27. The county of San Bernardino shall constitute Agricultural District No. 28. The county of Tuolumne shall constitute Agricultural District No. 29. The county of Tehama shall constitute Agricultural District No. 30. The county of Ventura shall constitute Agricultural District No. 31. The county of Orange shall constitute Agricultural District No. 32. The county of San Benito shall constitute Agricultural District No. 33. The counties of Modoc and Lassen shall constitute Agricultural District No. 34. The counties of Merced and Mariposa shall constitute Agricultural District No. 35. The county of Solano shall constitute Agricultural District No. 36. All that portion of Santa Barbara County not included in Agricultural District No. 19 shall constitute Agricultural District No. 37. The county of Stanislaus shall constitute Agricultural District No. 38.

SEC. 2. Where two or more counties shall constitute an agricultural district, each county shall be represented in the District Board of Directors by at least two resident citizens as Directors in said Board; *provided*, that when, by reason of the formation of a new agricultural district, a Director of one district becomes a resident of another, his term of office as Director will expire in sixty days after the formation of the new agricultural district. Whenever the Boards of Directors of two or more agricultural districts shall, by a majority vote of each Board, elect to unite, the said several districts may associate as one district, and hold a fair in any of said districts, and may, for such purpose, draw the appropriation for all of said districts, and expend the same for said fair in like manner as in the case of one district holding a separate fair.

How Directors are selected when more than one county is included.

How they can unite.

SEC. 3. Any fifty or more persons, representing a majority of the counties within any one of the districts above constituted, may form an association for the improvement of the material industries within such district, and when so formed the association shall be known and designated by the name of — Agricultural Association, and by such name and style shall have perpetual succession, and shall have power and authority to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase and hold and lease real estate, with such buildings and improvements as may be erected thereon, and may sell and lease and dispose of the same at pleasure. The said real estate, except as hereinafter provided, shall be used by such association for the purposes of holding exhibitions of horses, cattle, and other stock, and of the agricultural, horticultural, viticultural, mechanical, manufacturing, and domestic products of such district, with view to the improvement of all the industries in the same. But the said

How districts are formed.

Powers.

association shall have the power, and are hereby authorized, to sell and convey any portion of the real estate held by it, by whatever title derived, which may not be necessary for the permanent use of said association for the purposes aforesaid.

Officers. Sec. 4. The officers of such association shall consist of eight Directors, who shall constitute a District Board of Agriculture for District Number —; a President, who shall be one of their number; and a Secretary and Treasurer not of their number.

Governor to appoint. Sec. 5. Within ten days after the formation of any new agricultural association within any of the districts above constituted in accordance with the provisions of this Act, and notice of such formation to the Governor, the Governor shall appoint eight resident citizens of such district as members of a District Board of Agriculture for said district, whose term of office shall be four years, except as hereinafter provided.

Qualify. Sec. 6. Within ten days after their appointment, the persons so appointed shall qualify as required by the Constitution, and shall meet at a place within the district and organize by the election of one of their number as President of the Board and association, who shall hold said office of President one year, and until his successor is elected; they shall also elect a Secretary and Treasurer.

Election of officers. Sec. 7. At the same meeting the members of the Board shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of the first class shall expire at the end of the first fiscal year; of the second class, of the second fiscal year; of the third class, of the third fiscal year; and of the fourth class, at the end of the full term of four years. The fiscal year shall be from December first to December first; *provided*, that all officers of agricultural districts now in office under any law heretofore passed, shall hold office for the term for which they were appointed, except in cases specified in section two of this Act. And the agricultural associations heretofore established shall be continued in force, and, so far as applicable, are made agricultural associations under this Act.

Term of office. Sec. 8. Each association so formed and organized is hereby declared and shall be recognized a State institution, and the Board so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the State, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the Secretary and Treasurer, and determine their salaries and duties. They shall have power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that no District Fair shall be held in any of the districts at the same time of the State Fair; and *provided further*, that the State shall in no event be liable for any premium offered, or award, or for any debt contracted

Declared a State institution. Sec. 8. Each association so formed and organized is hereby declared and shall be recognized a State institution, and the Board so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the State, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the Secretary and Treasurer, and determine their salaries and duties. They shall have power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that no District Fair shall be held in any of the districts at the same time of the State Fair; and *provided further*, that the State shall in no event be liable for any premium offered, or award, or for any debt contracted

Powers of Directors. They shall have power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that no District Fair shall be held in any of the districts at the same time of the State Fair; and *provided further*, that the State shall in no event be liable for any premium offered, or award, or for any debt contracted

Annual Fair.

Date.

State not liable.

by any District Board of Agriculture or Agricultural Association.

SEC. 9. When any District Board of Agriculture shall have been classified and organized, as herein provided, the Secretary of the Board shall report such classification and organization to the State Board of Agriculture. He shall also report the same to the Governor, and shall report any vacancy that may occur in the Board to the Governor, who shall fill the same by appointment for the unexpired term.

Duty of Secretary.

SEC. 10. Whenever any such association shall desire to sell any portion of its real estate not needed for the permanent use of the association, for the purposes specified in section two, and such real estate be held by such association under a deed or deeds of trust conveying the said lands in trust to be held in perpetuity as a place for holding agricultural exhibitions or fairs, or for other permanent purposes of such association, it shall be lawful for such association to file its complaint in the Superior Court of the county in which such lands are situated, setting forth the nature of the title under which they are held, and that it is the desire of the said association to sell and dispose of such real estate, and praying for judgment authorizing it to sell and convey the same. In such action the trustee or trustees in such deed or deeds, or the survivor or survivors of them, or the heirs, administrators, or executors of deceased trustees, as the case may require, shall be made parties defendant; and upon service of the summons upon such defendants personally, or by publication, or upon their appearance, the Court shall have full jurisdiction in the premises; and the deed executed under and in pursuance of the judgment of the Court shall be valid and effectual to convey to the purchaser the title of said association, and that of all of its predecessors in title made parties to the suit.

How real estate may be sold.

Parties defendant.

Deed.

SEC. 11. So much of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April fifteenth, eighteen hundred and eighty, and of the several Acts amendatory thereof, and as are in conflict herewith, are hereby repealed.

SEC. 12. This Act shall take effect from and after its passage.

CHAPTER CXXVII.

An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, by amending sections one, two, three, four, eleven, twelve, thirty-five, and forty-two thereof, relating to irrigation districts.

[Approved March 20, 1891.]

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:

How irrigation districts are formed.

Section 1. Whenever fifty, or a majority of the holders of title, or evidence of title, to lands susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district, under the provisions of this Act, and when so organized, such district shall have the powers conferred, or that may hereafter be conferred, by law upon such irrigation districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of an irrigation district, under the provisions of this Act, shall be sufficient evidence of title for the purposes of this Act.

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

What petition to contain.

Section 2. A petition shall first be presented to the Board of Supervisors of the county in which the lands, or the greatest portion thereof, is situated, signed by the required number of holders of title, or evidence of title, of such proposed district, evidenced as above provided, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this Act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said Board of Supervisors, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all the said costs in case said organization shall not be effected. Such petition shall be presented at a regular meeting of the said Board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of such proposed district lie within another county, or counties, then said petition and notice shall be published in a newspaper published in each of said counties. When such

Bond.

Publication.

petition is presented, the said Board of Supervisors shall hear the same and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries; *provided*, that said Board shall not modify said boundaries so as to except from the operation of this Act any territory within the boundaries of the district proposed by said petitioners which is susceptible of irrigation by the same system of works applicable to the other lands in such proposed district; nor shall any lands which will not, in the judgment of the said Board, be benefited by irrigation by said system be included within such district; *provided*, that any person whose lands are susceptible of irrigation from the same source may, in the discretion of the Board, upon application of the owner to said Board, have such lands included in said district. Said Board shall also make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one Director, who shall be a freeholder in the division and an elector and resident of the district, shall be elected by each division; *provided*, that if a majority of the holders of title or evidence of title, evidenced as above provided, petition for the formation of a district, the Board of Supervisors may, if so requested in the petition, order that there may be either three or five Directors, as said Board may order, for such district, and that they may be elected by the district at large. Said Board of Supervisors shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this Act. Such notice shall describe the boundaries so established, and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper published within said county; and if any portion of such proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this Act, unless he shall possess all the qualifications required of electors under the general election laws of this State.

Hearing before Board of Supervisors.

Lands that must be included.

Five divisions.

Notice of election.

Ballots.

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

Section 3. Such election shall be conducted as nearly as practicable in accordance with the general laws of this State; *provided*, that no particular form of ballot shall be required. The said Board of Supervisors shall meet on the second Monday next succeeding such election, and proceed to canvass the votes cast thereat, and if upon such canvass it appear that at least

Canvass of votes.

two thirds of all the votes cast are "Irrigation District—Yes," the said Board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. And no action shall be commenced or maintained, or defense made, affecting the validity of the organization, unless the same shall have been commenced or made within two years after the making and entering of said order. Said Board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the County Recorder of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the Clerk of the Board of Supervisors of each of the counties in which any portion of the district may lie; and no Board of Supervisors of any county including any portion of such district shall, after the date of the organization of such district, allow another district to be formed including any of the lands in such district, without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are elected and qualified. For the purposes of the election above provided for, the said Board of Supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries thereof, which said precincts may thereafter be changed by the Board of Directors of such district. In any district the Board of Directors thereof may, upon the presentation of a petition therefor, by a majority of the holders of title or evidence of title of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five Directors, as said Board may order, and that they shall be elected by the district at large, or by divisions, as so petitioned and ordered; and after such order such Directors shall be so elected.

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

Section 4. An election shall be held in each district on the first Wednesday in February, eighteen hundred and ninety-three, and on the first Wednesday in February in each second year thereafter, at which an Assessor, a Collector, and a Treasurer, and a Board of Directors for the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto, and shall hold office from the first Tuesday in March next after for two years, and until his successor is elected and qualified. Within ten days after receiving their certificates of election, hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the Board of Directors, and execute the bond hereinafter provided for. The Assessor

Statute of limitations.

Lands to be in only one district.

Election precincts.

Number of Directors.

When election to be held.

Oath of office.

shall execute an official bond in the sum of five thousand dollars, and the Collector an official bond in the sum of twenty thousand dollars, and the District Treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the Board of Directors; and each member of said Board of Directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the Judge of the Superior Court of said county where such organization was effected, and shall be recorded in the office of the County Recorder thereof, and filed with the Secretary of said Board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Bonds.

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

Section 11. On the first Tuesday in March next following their election, the Board of Directors shall meet and organize as a Board, elect a President from their number, and appoint a Secretary, who shall each hold office during the pleasure of the Board. The Board shall have the power, and it shall be their duty, to 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; establish equitable by-laws, rules, and regulations for the distribution and use of water among the owners of said lands, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act. The said by-laws, rules, and regulations must be printed in convenient form for distribution in the district. And it is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; *provided*, that any land owner may assign the right to the whole or any portion of the waters so apportioned to him.

Organiza-
tion of
Board.

Duty of
Board.

By-laws
and rules.

Ratio of
distribu-
tion of
water.

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

Section 12. The Board of Directors shall hold a regular monthly meeting in their office, on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the Board. The order must be entered of record, and five days' notice thereof must, by the Secretary, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting. All meetings of the Board must be public, and three members shall constitute a quorum for the trans- action of business; but on all questions requiring a vote there shall be a concurrence of at least three members of said Board. All records of the Board shall be open to the inspection of any

Regular
meetings.

Quorum.

Rights of Board.

elector during business hours. The Board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said Board shall also have the right to acquire, either by purchase or condemnation or other legal means, all lands, and waters and water rights, and other property necessary for the construction, use, supply, maintenance, repair, and improvements of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment; and in case of condemnation the Board shall proceed, in the name of the district, under the provisions of title seven, of part three, of the Code of Civil Procedure. Said Board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this Act, is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law.

Dams and reservoirs.

SEC. 7. Section thirty-five of said Act is hereby amended to read as follows:

Advertising for bids.

Section 35. After adopting a plan of said canal or canals, storage reservoirs, and works, the Board of Directors shall give notice, by publication thereof, not less than twenty days in one newspaper published in each of the counties composing the district (*provided*, a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said 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 portions 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. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a

Notice to contain.

Bond of contractor.

contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board, payable

to said district for its use, for twenty-five per cent of 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 engineer, and be approved by the Board.

SEC. 8. Section forty-two of said Act is hereby amended to read as follows:

Section 42. The Board of Directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this Act, the Board of Directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum. Power to incur debt.

SEC. 9. This Act shall take effect immediately.

CHAPTER CXXVIII.

An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, by amending sections fifteen, twenty-two, and twenty-three thereof, relating to irrigation districts.

[Approved March 20, 1891.]

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

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

Section 15. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the Board of Directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the Construction Fund has been exhausted by expenditures herein authorized therefrom, and the Board deem it necessary or expedient to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised, and shall immediately thereafter call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district in the amount as determined shall be issued. Notice of such election must be given, by posting notices in three public places in each election precinct in said district, for at least How additional improvements are made.
Special election.
Notice.

twenty days, and also by publication of such notice in some newspaper published in the county where the office of the Board of Directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the Board of Directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record, and whenever thereafter said Board in its judgment deems it for the best interests of the district that the question of issuance of bonds in said amount, or any amount, shall be submitted to said electors, it shall so declare of record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States, in ten series, as follows, to wit: At the expiration of eleven years, five per cent of the whole number of said bonds; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent; and shall bear interest at the rate of six 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 place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the President and Secretary, and the seal of the Board of Directors shall be affixed thereto. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively, 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 were issued by authority of this Act, stating its title and date of approval, and shall also so state the number of the issue of which such bonds are a part. 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. In case the money raised by sale of all bonds issued be insufficient for the completion of the plan of canal and works adopted, and additional bonds be not voted, it

What to
contain.

Ballots.

How bonds
are to be
paid.

Form of
bonds.

Assess-
ments.

shall be the duty of the Board of Directors to provide for the completion of said plan by levy of assessments therefor. It shall be lawful for any district, which has heretofore issued bonds under the law then in force, to issue in place thereof an equal amount of bonds in accordance with this amendment, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the Board of Directors of the district and the holders of such outstanding bonds; *provided*, that said Board shall not exchange any such bonds for less amount in par value of the bonds received. All of such old issue, in place of which new bonds are issued, shall be destroyed whenever lawfully in possession of said Board.

Exchange of bonds.

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

Section 22. The Board of Directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and at the expiration of ten years after the issuing of bonds of any issue must increase said assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. The Secretary of the Board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called the "Bond Fund of — Irrigation District." In case of the neglect or refusal of the Board of Directors to cause such assessment and levy to be made as in this Act provided, then the assessment of property made by the County Assessor and the State Board of Equalization shall be adopted, and shall be the basis of assessments for the district, and the Board of Supervisors of the county in which the office of the Board of Directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this Act, in the same manner and with like effect as if the same had been made by said Board of Directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the Collector or Treasurer of the district to perform the duties imposed by law, then the Tax Collector and Treasurer of the county in which the office of the Board of Directors is situated must, respectively, perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

Assessment to provide annual interest.

Bond fund.

Assessment rolls.

Refusal of Collector.

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

Section 23. The assessment upon real property is a lien against the property assessed from and after the first Monday in March for any year, and the lien for the bonds of any issue

Lien of assessment.

shall be a preferred lien to that for any subsequent issue, and such lien is not removed until the assessments are paid, or the property sold for the payment thereof.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXXIX.

An Act to amend sections one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, one thousand five hundred and forty-eight, one thousand five hundred and fifty-one, one thousand five hundred and fifty-two, one thousand five hundred and sixty, one thousand five hundred and sixty-five, one thousand five hundred and seventy-six, one thousand five hundred and eighty-one, one thousand five hundred and eighty-three, one thousand five hundred and ninety-six, one thousand five hundred and ninety-nine, one thousand six hundred and seventeen, one thousand six hundred and forty-nine, one thousand six hundred and fifty, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and ninety-six, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three, and to repeal sections one thousand six hundred and twenty-five, one thousand six hundred and sixty-nine, one thousand six hundred and eighty-two, and four hundred and forty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and to authorize and direct the Controller of State to credit to the School Fund any balance which may stand to the credit of the Grammar School Course Fund.

[Approved March 20, 1891.]

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

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

1521. The powers and duties of the Board are as follows:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for its own government, and for the government of the public schools and district school libraries.

Second—To recommend rules for the examination of teachers.

Third—To recommend a course of study for the public schools.

Fourth—To recommend a list of books and apparatus for district school libraries.

Fifth—To grant educational diplomas, valid for six years, and life diplomas.

Sixth—To revoke for immoral or unprofessional conduct, or evident unfitness for teaching, life diplomas and educational diplomas heretofore issued, or which may be issued hereafter.

Seventh—To have done by the State Printer, or other officer Printing. having the management of the State printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the Board of Examiners.

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

Ninth—To keep a record of its proceedings.

Tenth—State educational diplomas may be issued to such persons only as have held for one year, and still hold in full force and effect a first grade, a grammar grade, or high school city, or county, or city and county certificate, and who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years. Every application for an educational diploma must be accompanied by a certified copy of a resolution adopted by a City or a County Board of Education, recommending that the same be granted. Said recommendation shall set forth specifically the places where, and the dates between which, the applicant has taught; and the applicant shall make affidavit to such specific statements to the State Board of Education. The term "five years" shall be construed to mean five years of not less than seven months each; that is, the applicant must have taught a part of each year for five years—not necessarily consecutive years—and in all thirty-five months, of which at least twenty-one months must have been in the public schools of California. Diplomas.

Recommenda-
tions
necessary.

What five
years
means.

Eleventh—Life diplomas may be issued upon all and the same conditions as educational diplomas, except that the applicant must furnish satisfactory evidence of having been successfully engaged in teaching for at least ten years. Ten years shall be construed to mean ten years of not less than seven months each; that is, the applicant must have taught some part of each year for ten years—not necessarily consecutive years—and in all seventy months, of which at least three years, or twenty-one months, must have been in the public schools of California. Life
diplomas.

Twelfth—To designate some educational monthly journal as the official organ of the Department of Public Instruction. One copy of the journal so designated shall be furnished by the County Superintendent to the Clerk of each Board of District Trustees, to be placed by him in the district library. The County Superintendent of Schools shall draw his warrant semi-annually in favor of the publishers of such school journal, for a sum not exceeding one dollar and fifty cents (\$1 50) per district, for each school year, and charge the same to the Library Fund of the district; *provided*, that the publishers of such journal shall be required to file an affidavit with the Superintendent of Public Instruction, on or before the tenth day of each month, stating that they have mailed one copy of said journal to the Clerk of each school district in the State. It is hereby made the duty of the Clerk of each Board of District Trustees, and the Secretary of each Board of Education, to place each number of such Educa-
tional
journal.

Affidavit of
publisher.

Journal to
be kept in
school
library.

journal in the school library of his district, on or before the end of the month in which such number was issued.

SEC. 2. Section fifteen hundred and thirty-two of the Political Code is hereby amended so as to read as follows:

Duties of Superintendent of Public Instruction.

1532. It is the duty of the Superintendent of Public Instruction:

First—To superintend the schools of this State.

Second—To report to the Governor, on or before the fifteenth day of December preceding each regular session of the Legislature, a statement of the condition of the State Normal Schools and other educational institutions supported by the State, and of the public schools.

Report to contain.

Third—To accompany his report with tabular statements, showing the number of school children in the State; the number attending public school, and the average attendance; the number attending private schools, and the number not attending schools; the amount of State School Fund apportioned, and the sources from which derived; the amount raised by county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building school houses, and for district school libraries.

To apportion school moneys.

Fourth—To apportion the State School Fund. An abstract of such apportionment to be furnished to the Controller, State Board of Examiners, and each County Treasurer and County Superintendent.

Fifth—To draw his order on the Controller, in favor of each County Treasurer, for school moneys apportioned to the county.

To prepare and furnish books.

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by County Boards of Education.

Laws.

Seventh—To have the laws relating to the public schools printed in pamphlet form, and annex thereto forms for making reports and conducting school business, the course of study, rules and regulations, a list of library books, and such suggestions on school architecture as he may deem useful.

Pamphlets.

Eighth—To supply school officers and teachers, school libraries, and State libraries with one copy each of the pamphlets mentioned in the preceding subdivision.

Visit orphan asylums.

Ninth—To visit the several orphan asylums to which State appropriations are made, and examine into the course of instruction therein.

Visit county schools.

Tenth—To visit the schools in different counties, and inquire into their condition; and the actual traveling expenses thus incurred (*provided*, that they do not exceed fifteen hundred dollars per annum) shall be allowed, audited, and paid out of the General Fund in the same manner as other claims are audited and paid.

Eleventh—To authenticate with his official seal all drafts or

orders drawn by him, and all papers and writings issued from his office.

Twelfth—To have bound, at the State Bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him, payable out of the State School Fund.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office. Deliver records to his successor.

Fourteenth—He shall have power to call, biennially, a Convention of the County and City Superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all County and City Superintendents to attend and take part in the proceedings of such Convention when it is called. The actual expenses of the County Superintendents attending the Convention shall be allowed by the Board of Supervisors, and paid out of the same fund as the salary of the County Superintendents is paid; the actual expenses of the City Superintendents attending the Convention shall be allowed and paid out of the same fund as the salary of such City Superintendent is paid. Convention of School Superintendents.
Expenses thereof.

SEC. 3. Section fifteen hundred and thirty-three of the Political Code is hereby amended so as to read as follows:

1533. The Superintendent of Public Instruction must report to the Controller, on or before the tenth day of August of each year, the total number of children in the State between the ages of five and seventeen years, as shown by the latest reports of the County Superintendents on file in this office. Annual report to Controller.

SEC. 4. Section fifteen hundred and forty-three of the Political Code is hereby amended so as to read as follows:

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

First—To superintend the schools of his county.

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

lapse, and the moneys in the Treasury of the county belonging

thereto shall be apportioned by the Superintendent of Schools among the other districts of his county, in proportion to the number of census children between five and seventeen in such district. The property of any school district that shall lapse shall be sold by the Board of Supervisors, and the proceeds of such sale, after the payment of any indebtedness of the district, shall be placed in the County School Fund. The territory included within the boundaries of said district shall, by order of the Board of Supervisors, be attached to one or more school districts.

Property thereof.

Requisition on Auditor.

Requirements of requisitions.

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

Public register of requisitions.

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

Visit schools.

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

Preside at Institutes.

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

Temporary certificates.

Seventh—Upon the order of the County Board of Education, to issue temporary certificates, valid until the next regular meeting of the County Board of Education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which County Boards are empowered to grant certificates without examination, as specified in section seventeen hundred and

seventy-five; *provided*, that no person shall be entitled to receive such temporary certificate more than once.

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

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

Tenth—To keep a record of his official acts, and of all the proceedings of the County Board of Education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent. Records.

Eleventh—Except in incorporated cities, to pass upon, and approve or reject, plans for school houses. Plans.

Twelfth—To appoint Trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint Trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the Trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this Code, he shall appoint a janitor, who shall be paid out of the School Fund of the district. Trustees to fill vacancies.
Janitor.

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

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

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

SEC. 5. Section fifteen hundred and forty-eight of the Political Code is hereby amended so as to read as follows:

1548. He may draw his requisition upon the County Auditor, who shall draw his warrant on the unapportioned County School Fund, in his own favor, for the binding of school documents, not to exceed twenty dollars a year; for postage and expressage for his office, not to exceed two dollars for each district of his county, and for such other incidental expenses as may be authorized by law; *provided*, that not more than one half of such allowance shall be used during the first six months of any school year, except by unanimous consent of the Board of Supervisors; *and provided further*, that in incorporated cities, each school containing three hundred pupils shall be considered equal to one school district. Binding documents.
Postage.

SEC. 6. Section fifteen hundred and fifty-one of the Political Code is hereby amended so as to read as follows:

Report
number of
school
children.

Duty as to
bound-
aries.

May order
them
printed.

Traveling
expenses.

County
Institutes.

City
Institutes.

Fee for
certificate.

1551. Each School Superintendent in this State must, on or before the first day of August in each year, report to the Superintendent of Public Instruction, and to the Board of Supervisors of their respective counties, the number of children in their counties between the ages of five and seventeen years, as appears by the latest returns of the Census Marshals on file in their office. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the Board of Supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting, or incorrectly described, he shall report such fact to the Board of Supervisors, and the Board of Supervisors shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the School Fund.

SEC. 7. Section fifteen hundred and fifty-two of the Political Code is hereby amended so as to read as follows:

1552. Each County Superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the Board of Supervisors, and to be paid out of the County General Fund; *provided*, that this amount shall not exceed ten dollars per district per annum.

SEC. 8. Section fifteen hundred and sixty of the Political Code is hereby amended so as to read as follows:

1560. Whenever the number of school districts in any county is twenty or more, the School Superintendent must hold at least one Teachers' Institute in each year; and every teacher employed in a public school in the county must attend such Institute, and participate in its proceedings; *provided*, that cities employing seventy or more teachers may have a separate Institute, to meet at least once a year, the sessions to be not less than three nor more than five days; *and provided further*, that teachers attending such Institute shall not be required to attend the County Institute. The expenses of such City Institutes, not exceeding two hundred dollars annually, shall be paid from the special school funds of said city.

SEC. 9. Section fifteen hundred and sixty-five of the Political Code is hereby amended so as to read as follows:

1565. Every applicant for a teacher's certificate, except temporary, upon presenting his application, shall pay to the County Superintendent a fee of two dollars, to be by him immediately deposited with the County Treasurer, to the credit of a fund to be known as the Teachers' Institute and Library Fund. All funds so credited shall be drawn out only upon the requisition of the County Superintendent of Schools upon the County Auditor, who shall draw his warrant in payment of the services of instructors in the County Teachers' Institute; *provided*, they be not teachers in the public schools of the county in which such Institute is held; and for the purchase of books for a

library for the use of the teachers of the county. At least fifty per cent of the Teachers' Institute and Library Fund shall be expended for books. The County Superintendent shall take charge of the teachers' library, prepare a catalogue of its contents, and keep a correct record of books taken therefrom and returned thereto.

Teachers' library.

SEC. 10. Section fifteen hundred and seventy-six of the Political Code is hereby amended so as to read as follows:

1576. Every county, city, or incorporated town, unless subdivided by the legislative authority thereof, forms a school district; *provided*, that whenever a city or town shall be incorporated the Board of Supervisors may, upon petition, annex thereto, for school purposes only, the remainder of the district or districts from which said city or town was organized, or any part thereof; *and provided further*, that whenever any territory shall be annexed to a city or an incorporated town for school purposes, the Board of Education or of School Trustees of said city or incorporated town shall have full control, for school purposes only, of the territory or property so annexed.

School districts.

SEC. 11. Section fifteen hundred and eighty-one of the Political Code is hereby amended so as to read as follows:

1581. Unless within six months after the making of an order creating a new school district, school is opened therein, the order shall cease to have effect.

SEC. 12. Section fifteen hundred and eighty-three of the Political Code is hereby amended so as to read as follows:

1583. Whenever a district lies partly in one county and partly in another, the County Superintendent must apportion to such district such proportion of the school money to which such district is entitled, as the number of school census children residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district. The text-books to be used, and the rules governing the school in such district, shall be those adopted by the Board of Education of the county in which a majority of the census children of such district reside. The Trustees and teachers of joint districts shall make to the Superintendents of each county in which the district is located, the reports which other Trustees and teachers are required to make, and also the number of pupils attending the school from each county. The teacher in such joint district shall not be required to hold a certificate in both counties.

District lying in two counties.

What text-books to be used. Reports.

SEC. 13. Section fifteen hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

1596. The Trustees must appoint the Inspectors, Judges, and Clerks of Election; if none are so appointed, or if they are not present at the time for opening the polls, the electors present may appoint them.

Trustees appoint officers of election.

SEC. 14. Section fifteen hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

1599. The voting must be by ballot; *provided*, that the provisions of sections eleven hundred and eighty-seven and eleven hundred and ninety-one of the Political Code may be

Voting to be by ballot.

dispensed with. But in all other respects it shall conform to the provisions of the general election law.

SEC. 15. Section sixteen hundred and seventeen of the Political Code is hereby amended so as to read as follows:

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

Powers and duties of Trustees and Boards of Education.

First—To prescribe and enforce rules, not inconsistent with law or those prescribed by the State Board of Education, for their own government and government of schools, and to transact their business at regular or special meetings called for such purpose, notice of which shall be given each member.

Second—To manage and control the school property within their districts, and to pay all moneys collected by them, from any source whatever, for school purposes into the County Treasury, to be placed to the credit of the special fund of their districts.

Purchase text-books.

Third—To purchase text-books of the State series for the use of pupils, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that except in incorporated cities having Boards of Education, they purchase such books and apparatus only as have been adopted by the County Board of Education.

Repair school property. Buildings.

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

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

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

Employ teachers.

Seventh—To employ the teachers, and, excepting in incorporated cities having Boards of Education, immediately notify the Superintendent of Schools, in writing, of such employment, naming the grade of certificate held by the teachers employed;

Janitors.

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

Eighth—To suspend and expel pupils for misconduct.

Kindergarten.

Ninth—To exclude from schools children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years.

Course of study.

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

Libraries.

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

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

To furnish books.

Thirteenth—To furnish books for the children of parents unable to furnish them; the books so furnished to belong to

the school district, and to be kept in the district school library when not in use.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered. Keep a register.

Fifteenth—To make arrangements with the Trustees of any other districts for the attendance of such children in the schools of either district, as may be best accommodated therein; and in case the Trustees fail to agree, the parents of such children may appeal to the Superintendent of Schools, whose decision shall be final. To arrange with other districts for scholars.

Sixteenth—On or before the first day of May, in each year, to appoint a School Census Marshal, and notify the Superintendent of Schools thereof; *provided*, that in cities the appointment shall be subject to the approval of the City Superintendent of Schools. To appoint Census Marshal.

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

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

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

Twentieth—Boards of Trustees may, and upon a petition signed by a majority of the heads of families resident in the district must, call meetings of the qualified electors of the district for determining or changing the location of the school house, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the school house, for not less than ten days previous to the time for which the meetings shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a Chairman from the electors present, and the District Clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the Board of Trustees: To submit to election the changes of location of school.

1. In regard to the location or change of location of the school house, or the use of the same for other than school purposes.

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

3. In regard to prosecuting, settling, or compromising any

What a district meeting may do.

litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes, in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the Library Fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the Board of Trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The Board of Trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

May vote money.

Votes by ballot.

SEC. 16. Section sixteen hundred and forty-nine of the Political Code is hereby amended so as to read as follows:

Clerk.

1649. Boards of Trustees must annually, on the first Saturday of July, meet and elect one of their number Clerk of the district; and if a Clerk is not elected at this date, the Superintendent shall appoint.

SEC. 17. Section sixteen hundred and fifty of the Political Code is hereby amended so as to read as follows:

Duties of Clerk.

1650. It is the duty of the Clerk:

First—To call meetings of the Board at the request of two members, and to act as Clerk of the Board, and keep a record of its proceedings, and an accurate account of the receipts and expenditures of school moneys.

Records.

Second—To keep his records and accounts, open to the inspection of the electors of the district, in the School Trustees' record and account book, prepared by the Superintendent of Public Instruction.

Monthly journal.

Third—To place the monthly journal designated as the official organ of the Department of Public Instruction in the school district library each month; and if he fails to receive it regularly, to immediately notify the publishers of such fact.

Fourth—To perform such other duties as may be prescribed by the Board.

SEC. 18. Section sixteen hundred and sixty-two of the Political Code is hereby amended so as to read as follows:

Age of children.

1662. Every school, unless otherwise provided by law, must be opened for the admission of all children between six and twenty-one years of age, residing in the district, and the Board of Trustees, or City Board of Education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate

Who may be excluded.

Chinese scholars.

schools for children of Mongolian or Chinese descent. When such separate schools are established, Chinese or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as part of the public

primary schools, children may be admitted to such kindergarten classes at the age of four years.

SEC. 19. Section sixteen hundred and sixty-three of the Political Code is hereby amended so as to read as follows:

1663. 1. All schools, unless otherwise provided by law, must be divided into primary and grammar grades. The County Board of Education must, except in incorporated cities having Boards of Education, on or before the first day of July, prescribe the course of study in each grade for the ensuing year. Grades.

2. Except in incorporated cities having Boards of Education, the County Board of Education shall require that promotions, upon written examinations, or otherwise, in each of said courses shall take place at stated periods, at least once in each school year for promotion. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade for those who satisfactorily pass the required examination. Promotions.
Diplomas.

3. The County Board of Education may amend and change, subject to said section sixteen hundred and sixty-five, either of the above courses of study, whenever necessary.

SEC. 20. Section sixteen hundred and sixty-five of the Political Code is hereby amended so as to read as follows:

1665. Instruction must be given in the following branches, in the several grades in which each may be required, viz.: Reading, writing, orthography, arithmetic, geography, grammar, history of the United States, elements of physiology and hygiene, with special instruction as to the nature of alcoholic drinks and narcotics and their effects upon the human system, vocal music, elements of bookkeeping, industrial drawing, practical entomology, and civil government; *provided*, that instruction in physiology and hygiene, practical entomology, bookkeeping, and civil government may be oral, no text-books in these subjects being required to be purchased by the pupils; *provided further*, that the Board of Education of any county may, in districts having less than one hundred and seventy census children, confine the pupils to the studies of reading, orthography, arithmetic, grammar, geography, history, penmanship, elements of bookkeeping, until they have a practical knowledge of the last mentioned subjects. List of branches that are required to be taught.
Exceptions.

SEC. 21. Section sixteen hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

1696. Every teacher in the public schools must:

First—Before assuming charge of a school, file his or her certificate with the County Superintendent. Duties of teachers.

Second—Before taking charge of a school, and one week before closing a term of school, notify the County Superintendent of such fact, naming the day of opening or closing.

Third—Enforce the course of study, the use of text-books, and the rules and regulations prescribed for schools.

Fourth—Hold pupils to a strict account for disorderly conduct on the way to or from school, on the playgrounds, or during recess; suspend, for good cause, any pupil from the school, and report such suspension to the Board of Trustees or City Board Preserve discipline.

of Education for review. If such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final.

Register. *Fifth*—Keep a State School Register, in which shall be left at the close of the term a report showing programme of recitations and classification and grading of all pupils who have attended school at any time during the school year.

Report. *Sixth*—Make an annual report to the County Superintendent at the time and in the manner and on the blanks prescribed by the Superintendent of Public Instruction. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year.

Seventh—Make such other reports as may be required by the Superintendent of Public Instruction, County Superintendent, Board of Trustees, or City Board of Education.

SEC. 22. Section seventeen hundred and seventy-one of the Political Code is hereby amended so as to read as follows:

Powers of
County
Boards.

1771. County Boards of Education have power:

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

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

Certifi-
cates.

Third—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant certificates of three grades, valid throughout the county, except as provided in section seventeen hundred and seventy-five, as follows:

High
School.

1. High School: valid for six years, authorizing the holder to teach in any high school, grammar grade, or primary school; *provided*, that holders of grammar school course certificates shall be entitled to receive high school certificates in lieu thereof.

Grammar.

2. Grammar grade: valid for three years, authorizing the holder to teach any grammar grade or primary school.

Primary.

3. Primary: valid for two years, authorizing the holder to teach any primary school. Also, to grant special certificates, valid for three years, which shall entitle the holder to teach such special branches as may be required by City or County Boards of Education.

Series of
text-books.

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

Revoke
certifi-
cates.

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

Sixth—To keep a record of its proceedings.

Issue
diplomas.

Seventh—To issue diplomas of graduation from any of the public schools of the county, except in incorporated cities having Boards of Education, which diplomas shall be designed by

the Superintendent of Public Instruction and distributed as other blanks from his office. Diplomas shall be issued only to pupils who have passed an examination prescribed by the County Board of Education. Such diplomas shall be signed by the President and Secretary of the County Board and the Principal of the school.

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

Ninth—All examination papers shall be kept on file in the office of the Superintendent of Schools for at least one year, and shall be open for the inspection of the applicant or his authorized agent.

Examination papers

SEC. 23. Section seventeen hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

1775. The Board may also, without examination, grant county certificates, and fix the grade thereof, to the holders of life diplomas, California, Nevada, and Oregon State educational diplomas, California State Normal School diplomas, San Francisco Normal Class diplomas, when recommended by the Superintendent of Public Schools, California State University diplomas, when recommended by the Faculty of the University, and State Normal School diplomas of other States, and high school and grammar grade certificates of any county, city, or city and county of California; and may also, without examination, renew unexpired certificates previously granted by them, or renew or indorse unexpired certificates previously granted in their county; such renewed or indorsed certificates to remain valid for the same length of time for which new certificates may be granted; and the grammar grade and primary certificates issued, renewed, or indorsed by the County Board of Education, shall entitle the holders thereof to teach in any city or district school in the county, in grades corresponding to the grades of their certificates; *provided*, that in cities having special departments in their schools, holders of credentials mentioned above may be examined by the City Board of Examination in the special studies of such departments. County Boards of Education must issue certificates upon the blank forms prepared and distributed by the Superintendent of Public Instruction.

Certificates without examination.

City Board may examine

SEC. 24. Section seventeen hundred and ninety-one of the Political Code is hereby amended so as to read as follows:

1791. Each City Board of Examination has power:

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

Power of City Board to grant certificates.

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

years, authorizing the holder to teach any primary school in such city.

Special
certifi-
cates

Third—To grant special certificates, valid for a period not to exceed six years, upon such special studies as may be authorized by the City Board of Education of such city.

SEC. 25. Section seventeen hundred and ninety-two of the Political Code is hereby amended so as to read as follows:

City Board
of Exam-
ination may
grant city
certifi-
cates

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

SEC. 26. Section seventeen hundred and ninety-three is hereby amended so as to read as follows:

Where
holders of
city certifi-
cates may
teach

1793. The holders of city certificates are eligible to teach in the cities in which such certificates were granted in schools of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-two of this Act, duly ascertained and approved by the Board of Education of said cities; and City Superintendents of Public Schools, elected by City Boards of Education, shall be elected for a term of four years; and said City Boards of Education shall have full power to fix the salary of all employés. The holders of special city certificates are eligible to teach the special studies mentioned in their certificates in all the schools in the city in which such certificates were granted.

SEC. 27. Section sixteen hundred and twenty-five of the Political Code is hereby repealed.

SEC. 28. Section sixteen hundred and sixty-nine of the Political Code is hereby repealed.

SEC. 29. Section sixteen hundred and eighty-two of the Political Code is hereby repealed.

SEC. 30. Section four hundred and forty-four of the Political Code is hereby repealed.

Grammar
School
Course
Fund
abolished

SEC. 31. The fund known as the Grammar School Course Fund is hereby abolished. Upon the passage of this Act, the Controller of State is hereby authorized and directed to credit to the State School Fund any and all money that may stand to the Grammar School Course Fund. All outstanding claims against the Grammar School Course Fund shall be paid out of the School Fund.

CHAPTER CXXX.

An Act to amend sections one thousand one hundred and eighty-five, one thousand one hundred and eighty-six, one thousand one hundred and eighty-seven, one thousand one hundred and eighty-eight, one thousand one hundred and eighty-nine, one thousand one hundred and ninety, one thousand one hundred and ninety-one, one thousand one hundred and ninety-two, one thousand one hundred and ninety-three, one thousand one hundred and ninety-four, one thousand one hundred and ninety-five, one thousand one hundred and ninety-six, one thousand one hundred and ninety-seven, one thousand one hundred and ninety-eight, one thousand one hundred and ninety-nine, one thousand two hundred, one thousand two hundred and one, one thousand two hundred and two, one thousand two hundred and three, one thousand two hundred and four, one thousand two hundred and five, one thousand two hundred and six, one thousand two hundred and seven, one thousand two hundred and eight, one thousand two hundred and nine, one thousand two hundred and ten, one thousand two hundred and eleven, one thousand two hundred and twelve, one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code, and to add four new sections thereto, to be numbered one thousand two hundred and thirteen, one thousand two hundred and fourteen, one thousand two hundred and fifteen, and one thousand two hundred and sixteen, all in relation to the conduct of elections in this State.

[Approved March 20, 1891.]

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

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

1185. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense, as hereinafter provided. The printing of general tickets and cards of instruction to electors of each county, and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; and the printing and delivering of "municipal tickets," and also in case of separate elections for city, city and county, or town officers, the printing and delivering of cards of instruction, shall be a charge upon the respective city, city and county, or town in which such "municipal tickets" and cards of instruction are to be used, the payment of which shall be provided for in the same manner as the payment of other city, city and county, or town expenses.

Ballots and other printing to be at public expense.

SEC. 2. Section eleven hundred and eighty-six of the Political Code is hereby amended to read as follows:

What a
Conven-
tion is

1186. Any Convention, as hereinafter defined, held for the purpose of making nominations for public office, and also electors, to the number hereinafter specified, may nominate candidates for public office to be filled by election within the State. A Convention, within the meaning of this Act, is an organized assemblage of delegates representing a political party which, at the last election before the holding of such Convention, polled at least three per cent of the entire vote of the State, county, district, or other political division for which the nomination is made; *provided*, that in any county, township, city, or district, wherein no general election shall have been held after its organization, a Convention of any party polling at least three per cent of the votes cast in the precincts composing such county, township, city, or district shall have the same power, and its nominations the same effect, as though such county, township, city, or district had been organized before the next preceding general election.

SEC. 3. Section eleven hundred and eighty-seven of the Political Code is hereby amended to read as follows:

Certificate
of nomina-
tion is

1187. All nominations made by any such Convention shall be certified as follows: The certificate of nomination, which must be in writing, shall contain the name of each person nominated, his residence, and the office for which he is nominated, and shall designate the party or principle which such Convention represents. It shall be signed by the Chairman and Secretary of such Convention, who shall add to their signatures their respective places of residence, and make oath, before an officer authorized to administer the same, that the matter stated in such certificate is true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

SEC. 4. Section eleven hundred and eighty-eight of the Political Code is hereby amended to read as follows:

How candi-
dates are
nomin-
ated
other than
by Conven-
tion

1188. A candidate for public office may be nominated otherwise than by a Convention in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section one thousand one hundred and eighty-seven of this Code, shall be signed by electors residing within the district or political division for which candidates are to be presented, equal in number to at least five per cent of the entire vote cast at the last preceding election in the State, district, or political division for which the nomination is to be made: Said signatures need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, when he resides in a city. One of the signers of each such certificate shall swear that the statements therein made are true to the best of his knowledge and belief, and a certificate of such oath shall be annexed. Such a certificate, when made as above prescribed, shall have the same effect as a certificate of nomination made by a party Convention.

Oath to
be taken.

SEC. 5. Section eleven hundred and eighty-nine of the Political Code is hereby amended to read as follows:

1189. Certificates of nomination shall be filed with the Secretary of State for the nomination of candidates for offices to be filled by the electors of the entire State, or for members of the State Board of Equalization, State Board of Railroad Commissioners, or House of Representatives. Certificates of nomination shall be filed with the Clerk or Secretary of the legislative body of any incorporated city or town for the nomination of any candidate for an office under the government of any city or town, to be filled by the electors of such city or town. For all other nominations to public offices, certificates of nomination shall be filed with the Clerks of the respective counties wherein the offices are to be filled by the electors; and where the district or political division embraces more than one county, such certificate must be filed with the Clerk of the county in which the candidate resides; and the name of each such candidate, as specified in the certificate of nomination, shall be certified by said County Clerk to the County Clerks of the other counties within the district or political division not less than fifteen days before the day of election.

Where certificates are to be filed for State and county offices.

SEC. 6. Section eleven hundred and ninety of the Political Code is hereby amended to read as follows:

1190. No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in nominating, under the provisions of this Code, more than one nominee for each office to be filled; and no person who has voted in a Convention for or against a candidate for any office shall join in nominating, in any manner, any other nominee for that office, and no person shall accept a nomination to more than one office.

No person to recommend two candidates.

SEC. 7. Section eleven hundred and ninety-one of the Political Code is hereby amended to read as follows:

1191. The Secretary of State shall preserve in his office for the period of two years all certificates of nomination filed therein under the provisions of this Code; and each County Clerk shall preserve in his office for a like period all certificates of nomination filed therein under the provisions of this Code; and each Clerk or Secretary of the legislative body of any incorporated city or town shall for a like period preserve in his office all certificates of nomination filed therein under the provisions of this Code.

Certificates to be preserved.

SEC. 8. Section eleven hundred and ninety-two of the Political Code is hereby amended to read as follows:

1192. Certificates of nomination required to be filed with the Secretary of State shall be filed not more than sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination, when the nomination is made by a Convention, and not more than sixty days and not less than thirty days before the day of election, when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this Code. Certificates of nomination required to be filed with the County Clerks, or with

When certificates to be filed.

the Clerk or Secretary of the legislative body of any city or town, shall be filed not more than fifty nor not less than thirty days before the day of election, when the nomination is made by a Convention, and not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors. Should a vacancy in the list of nominees of a Convention occur, such vacancy may be filled by the Convention, or if it has delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancy, proceed to fill the same; *provided*, that no nomination shall be made or certified at a period before the day of election less than the minimum number of days provided for filing certificates of nomination made under this Code. The Chairman and Secretary of the Convention or of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. When a certificate to fill any vacancy shall be filed with the Secretary of State, he shall, in certifying the nomination to the various County Clerks, insert the name of the person who has been thus nominated to fill a vacancy in the place of that of the original nominee. Any person whose name has been presented as a candidate, may, at least five days before the making of the publication of the nominations prescribed in this section, cause his name to be withdrawn from nomination, by filing with the Secretary of State and County Clerk his request therefor, in writing, signed by him and acknowledged before the County Clerk of the county in which he resides, and no name so withdrawn shall be printed on the ballot.

Vacancies.

How filled.

Withdrawal.

SEC. 9. Section eleven hundred and ninety-three of the Political Code is hereby amended to read as follows:

Secretary of State to certify.

1193. Not less than twenty-five days before an election to fill any public office, the Secretary of State shall certify to the County Clerk of each county within which any of the electors may by law vote for candidates for such office, the names of each person nominated for such office, as specified in the certificate of nomination filed with the Secretary of State.

SEC. 10. Section eleven hundred and ninety-four of the Political Code is hereby amended to read as follows:

Publication by County Clerk.

1194. At least ten days before an election to fill any public office, the County Clerk of each county shall cause to be published, in at least two newspapers of general circulation within the county, the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk. He shall make not less than two such publications in each of such newspapers before election day, one of such publications being made upon the last day upon which such newspaper is issued before the day of election. The list of nominations published by the County Clerks of the respective counties shall be arranged in the order and form in which they

In same form as ballot.

will be printed upon the ballot. The Clerk or the Secretary of the legislative body of any incorporated city or town with whom the names of any candidates have been filed, shall publish in the same manner the lists of nominations filed with him; but where only one newspaper is printed in any county, city, or town, then publication in such newspaper shall be deemed sufficient; and where no newspaper is printed in such county, city, or town, publication shall be made through any newspaper designated by the Board of Supervisors of said county, or the legislative body of such city or town, and by posting copies of the ballot in three of the most public places in such county, city, or town, not less than ten days before the day of election.

When no paper published.

Sec. 11. Section eleven hundred and ninety-five of the Political Code is hereby amended to read as follows:

1195. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for the popular vote, the Secretary of State shall duly, and not less than twenty-five days before election, certify the same to the Clerk of each county of the State; and the Clerk of each county shall include the same in publication provided for in section one thousand one hundred and ninety-four of this Code.

Constitutional amendments.

Sec. 12. Section eleven hundred and ninety-six of the Political Code is hereby amended to read as follows:

1196. Except as in this Code otherwise provided, it shall be the duty of the County Clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the the appropriate ballot the name of every candidate whose name has been certified to, or filed with the County Clerk, in the manner provided for in this Code. Ballots other than those printed by the respective County Clerks, or the Clerk or Secretary of the legislative body of any incorporated city or town, according to the provisions of this Code, shall not be cast nor counted at any election. It shall be the duty of the County Clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city or county participate, and to cause to be printed in such separate ballots the name of every candidate for a city and county office, whose name has been filed with the said County Clerk in the manner provided for in this Code. It shall be the duty of the Clerk or Secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such Clerk or Secretary in the manner provided for in this Code. All ballots shall be of the necessary size and shape to contain the names of all the candidates, together with the necessary blank spaces hereinafter provided for, and shall be printed on tinted paper furnished by the

County Clerk to provide ballots.

Separate ballots.

Secretary of State. It shall be the duty of the Secretary of State to obtain, and keep on hand, a sufficient supply of paper for ballots, and to furnish the same, in quantities ordered, to any County Clerk, or Clerk or Secretary of the legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be watermarked with a design to be furnished by the Secretary of State, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing, or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years, but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this Code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot, and marked as voted for.

SEC. 13. Section eleven hundred and ninety-seven of the Political Code is hereby amended to read as follows:

General ticket. 1197. All ballots printed by County Clerks, other than the separate ballots containing the names of candidates for city and county officers, printed by the County Clerks of consolidated cities and counties, shall be headed "General Ticket;" and all ballots printed by County Clerks of consolidated cities and counties, containing the names of candidates for city and county offices, and also all tickets printed by the Clerk or Secretary of the legislative body of any incorporated city or town, shall be headed "Municipal Ticket." Under the heading of all general tickets, the respective number of the congressional, senatorial, and assembly district in which such ticket is to be voted shall be printed, together with the following direction to voters: "To vote for a person, stamp a cross (X) in the square at the right of the name." Opposite the title of each office shall be printed a direction to the voter specifying the number of persons to be voted for for that office, and opposite each constitutional amendment or other question to be voted upon, in separate lines; the words "Yes" and "No." All municipal tickets containing the names of candidates for ward or district officers, in addition to such direction to voters, shall have the number of the ward or district in which such ticket is to be voted printed thereon. All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On each ballot a perforated line shall extend from top to bottom, one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip in such a position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots shall be

Ballot
paper.

Design
changed.

General
ticket.

Municipal
ticket.

Directions
on ballots.

Different
tint for
tickets.

Number.

eighteen inches in length and four and one half inches in width, and as many times such width as shall be necessary to contain the names of all candidates nominated. Where the names of candidates are printed in separate columns, such columns shall be separated by heavy rules; and on all ballots the names of candidates shall each be separated by a rule extending to the extreme right of the column. All ballots shall be printed in plain, Roman type, and shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Code, and no other name; and there shall be added to all the names of candidates their party or political designation. The names of the candidates for each office shall be arranged, under the designation of the office, in alphabetical order, according to surname, except that the names of candidates for the office of Electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the voter may vote for the whole of such group by making one mark after such group. There shall be left at the end of the list of candidates for each office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed upon the ballot for whom he desires to vote as candidate for such office; and the names and blank spaces on the whole ticket shall be consecutively numbered, the figures being placed on the left hand side of such names and blank spaces. There shall be a margin on the right hand side of the names, at least one half of an inch wide, so that the voter may clearly indicate, in the way to be hereafter pointed out, the candidate and candidates for whom he wishes to cast his ballot; the county, city, or town in which each candidate resides may be printed in small type on the right hand side of his name. Whenever any question is to be submitted to the vote of the people, it shall also be printed upon the ballot in such a manner as to enable the electors to vote upon such question in the manner hereinafter provided. At the head of each ballot shall be printed, in separate lines, the names of all political parties which have filed certificates of nomination of candidates in accordance with sections one thousand one hundred and eighty-six and one thousand one hundred and eighty-seven of this Code, thus: "Regular Republican Ticket"— (straight). Opposite the name of each party, and on the same line therewith, there shall be a margin similar to that herein required to be left opposite the name of each candidate, in which the voter may place the mark in the manner specified in section one thousand two hundred and five of this Code, if he desire to vote for all of the candidates of such party; but a ballot so marked shall not be counted if it be stamped in any other place, except to indicate a vote or votes upon a constitutional amendment or other question.

Size and shape.

Kind of type.

How names are arranged.

Blank spaces.

Margin.

Names of parties at head of ticket.

Straight vote.

SEC. 14. Section eleven hundred and ninety-eight of the Political Code is hereby amended to read as follows:

Bound
books of
tickets.

1198. All ballots, when printed, shall be bound in stub books of one hundred ballots each. A record of the number of ballots printed by them shall be kept by the respective County Clerks, and by the Clerk or Secretary of the legislative body of each incorporated city or town.

SEC. 15. Section eleven hundred and ninety-nine of the Political Code is hereby amended to read as follows:

Number
of tickets
to be
furnished.

1199. The County Clerk of each county shall provide, for each election precinct in the county, not less than one hundred general tickets for every fifty or fraction of fifty electors registered in the election precinct; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the Clerk or Secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected.

SEC. 16. Section twelve hundred of the Political Code is hereby amended to read as follows:

Errors.

1200. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the name or description of the candidates nominated for office, or in the printing of the ballots, the Superior Court of the county, or the Judge thereof, shall, upon application by any elector, by order, require the County Clerk to correct such error, or to show cause why such error should not be corrected.

SEC. 17. Section twelve hundred and one of the Political Code is hereby amended to read as follows:

Tickets
to be
delivered.

1201. Before the opening of the polls at any election within any county, the County Clerk of the county shall cause to be delivered to the Boards of Election of each election precinct which is within the county, and in which the election is to be held, at the polling place of the election precinct, the proper number of general tickets of the kind to be used in the election precinct, in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots inclosed, and in case of a consolidated city and county, also a like number of municipal tickets; and the Clerk or Secretary of any incorporated city or town shall in like manner cause to be delivered the proper number of municipal tickets. The County Clerk, Clerk, or Secretary shall prepare a receipt for each polling place, enumerating the packages and stating the time and day and date when the same were delivered by him to the Inspectors of Election. The Inspectors of Election shall sign said receipt upon receipt of the packages, which shall forthwith be returned and filed.

Receipt
therefor.

Messen-
gers.

The County Clerk, Clerk, and Secretary, respectively, shall have authority to employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the Inspectors or Judges of Election, as provided in this Code, and the Board of Supervisors, or other Board or body having the control of elections, shall allow such messengers a reasonable compensation for their services, to be paid as other election expenses are paid. In case of the prevention of an election in

any precinct by the loss or the destruction of the ballots intended for that precinct, the Inspector, or other election officer for that precinct, shall make an affidavit setting forth the fact, swear to the same before an officer authorized to administer oaths, and transmit it to the Governor of this State. Upon receipt of such affidavit, the Governor may order a new election in such precinct, and upon the application of any candidate for any office to be voted for by the electors of such precinct, the Governor shall order a new election in such precinct.

Ballots destroyed.

New election.

SEC. 18. Section twelve hundred and two of the Political Code is hereby amended to read as follows:

1202. At the same time and in the same manner as Inspectors and Judges of Election are now appointed in this State, two Ballot Clerks for each election precinct in the State shall be appointed, whose duty it shall be to have charge of the ballots on the day of election, and to furnish them to the voters in the manner hereinafter provided. Such Ballot Clerks shall possess the same qualifications, and shall be paid the same compensation, as Inspectors of Election. In making appointments of such Ballot Clerks, one of them shall be taken from the political party that polled the largest number of votes at the last preceding election, and the other from the party that polled the next largest number of votes at such election. They shall act as additional Clerks of Election when the polls are closed, and they shall serve until the votes are counted and the returns are signed; *provided*, that whenever a general and a municipal election shall be held at the same time, there shall be appointed one additional Inspector, one additional Judge, and two additional Clerks in the manner now provided by law.

Ballot Clerks.

Additional officers of election.

SEC. 19. Section twelve hundred and three of the Political Code is hereby amended to read as follows:

1203. All officers upon whom is imposed by the law of the State the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside, "General Tickets," and when any city, county and county, or town officers are to be elected, a second ballot-box, to be marked on the outside, "Municipal Tickets;" and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box-booth or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting booths or compartments shall not be less than one for every fifty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots, shall be permitted to be within said rail before the closing of the polls, except by authority of the Board of Election, and then only for the purpose of keeping order and enforcing the

Ballot-box.

Screens for voters.

Number of voting booths.

Who admitted.

law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots.

SEC. 20. Section twelve hundred and four of the Political Code is hereby amended to read as follows:

How
ballot is
obtained.

1204. Any person desiring to vote shall give his name and address to one of the Ballot Clerks, who shall then, in an audible tone of voice, announce the same, and if the other Ballot Clerk finds the name on the register, he shall, in like manner, repeat the name and address, whereupon a challenge may be interposed, as provided in section one thousand two hundred and thirty of this Code. If the challenge be overruled, the Ballot Clerk shall give him a ticket, and the Clerk shall write on the register, opposite the name of the voter, the number of the general ticket given him, and also the number of the municipal ticket given him, when any city, city and county, or town officer is to be elected; and the voter shall be allowed to enter the place inclosed by the guard-rail, as above provided. The Ballot Clerk shall give him but one general ticket, and where any city, city and county, or town officers are to be elected, also one municipal ticket; and only one ballot of each kind.

One ballot
to be
delivered.

SEC. 21. Section twelve hundred and five of the Political Code is hereby amended to read as follows:

How ballot
is prepared.

1205. On receipt of his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the places, booths, or compartments provided to prepare his ballot. He shall prepare his ballot by marking a cross after the name of the person or persons for whom he intends to vote, thus, X; *provided, however*, that any elector who desires to vote for an entire party ticket may mark a cross as above described against the political designation of such party, and shall then be deemed to have voted for all persons nominated by such party; and in case of a constitutional amendment or other question submitted to the vote of the people, by marking, in the appropriate margin, a cross (X) against the answer which he desires to give. Such marking shall be done only with a stamp, which, with necessary pads and ink, shall be provided by the officers who are by this Code required to furnish election supplies, for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment, the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the Inspector, who shall announce in an audible tone of voice the name of the voter and the number of his ballot. The Ballot Clerk having the register in charge, if he finds the number to correspond with the number marked opposite the voter's name on the register, shall, in like manner, repeat the name and number, and shall mark opposite the name the word "voted." The Inspector shall then separate the number from the ballot, and shall deposit

To be done
with
stamp.

Voted.

the ballot in the box. The numbers of all ballots voted shall be immediately destroyed.

SEC. 22. Section twelve hundred and six of the Political Code is hereby amended to read as follows:

1206. Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes. Occupancy of booths.

SEC. 23. Section twelve hundred and seven of the Political Code is hereby amended to read as follows:

1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the Ballot Clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections one thousand two hundred and sixty-three and one thousand two hundred and sixty-four of this Code. Every elector who does not vote the ballot delivered to him shall, before leaving the polling place, return such ballot to the Ballot Clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The Ballot Clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting. Spoiled ballots.

SEC. 24. Section twelve hundred and eight of the Political Code is hereby amended to read as follows:

1208. Any elector who declares, under oath, to the presiding election officer that he cannot read, and that by reason thereof, or that by reason of physical disability, he is unable to mark his ballot, shall, upon request, receive the assistance of any one of the officers of election that he may choose in the marking thereof, and such officer shall thereafter give no information regarding the same. Assistance in marking ballots.

SEC. 25. Section twelve hundred and nine of the Political Code is hereby amended to read as follows:

1209. No member of the Board of Election shall deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the Inspector.

SEC. 26. Section twelve hundred and ten of the Political Code is hereby amended to read as follows:

1210. The County Clerk of each county, or in case of separate city or town elections, the Clerk or Secretary of the legislative body of such city or town, shall cause to be printed on plain white paper, without watermark or indorsements (except the words "Sample Ballot"), at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be designated "Sample Ballots," and shall be furnished to registered voters at the office of such Clerk or Secretary five days before the Sample ballots.

Cards of
instructions.

day fixed by law for such election, and at any time during such five days; *provided*, that not more than one sample ballot shall be furnished to any one voter. Such Clerk or Secretary shall cause to be printed, in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots. He shall furnish twelve such cards to the Board of Election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The Board of Election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling places, on the day of election. Sections twelve hundred and fourteen and twelve hundred and fifteen of this Code and section sixty-one of the Penal Code shall also be printed on each of said cards.

SEC. 27. Section twelve hundred and eleven of the Political Code is hereby amended to read as follows:

Void
ballots.

1211. In canvassing the votes any ballot which is not made as provided in this Act shall be void, and shall not be counted; but each such ballot must be preserved and returned with the other ballots. Any name written upon a ballot shall be counted for the office under which it is written, whether or not a cross is marked after it. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

SEC. 28. Section twelve hundred and twelve of the Political Code is hereby amended to read as follows:

Two hours
allowed to
employés.

1212. Any person entitled to vote at a general election held within this State shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged, or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

SEC. 29. Section one thousand two hundred and fifty-seven of the Political Code is hereby amended to read as follows:

Counting.

Separate
piles.

1257. After the lists are thus signed, the Board must proceed to open the ballots and count and ascertain the number of votes cast for each person voted for. All the ballots must be taken out of the ballot-box, one at a time, and opened by one of the members of the Board, and as so taken out, the straight ballots must be placed in separate piles, according to their respective ticket headings, vignettes, or other designations, in manner as follows, to wit: all the straight ballots of each such party must be placed in a separate pile, and straight undesignated ballots must be placed in a separate pile, in a like manner. When all the straight ballots shall have been so placed in piles, the number of ballots in each such pile must be carefully, correctly, and distinctly counted aloud by a member of the Board, in presence of the Board and of the bystanders; whereupon, an official record must be made by each Clerk of the total number

of ballots in each such pile. Immediately thereafter all straight ballots, according to their respective headings, vignettes, or other designations, shall be distinctly read by such Clerks, and the official total of such pile so made by Clerks shall be read in connection with the office for which he is a candidate, and said total shall be so credited to such candidate. Immediately thereafter all straight ballots must be by one of the Judges strung upon one string in such a manner that all the straight ballots of each party shall be in direct succession and immediate proximity upon said string, and all such straight ballots thereupon be securely bound together by said string and replaced in the ballot-box. All the ballots other than straight ballots of each separate political or other party must be placed in a pile. When all the ballots shall have been so placed in a pile, the number of ballots in such pile must be carefully, correctly, and distinctly counted aloud by a member of the Board, in the presence of the Board and of the bystanders; whereupon, an official record must be made by each Clerk of the total number of ballots in such pile. Immediately thereafter all the ballots other than straight ballots must be by one of the Judges strung upon one string in such a manner that all the ballots other than straight ballots shall be in direct succession and immediate proximity upon said string; and all such ballots other than straight ballots shall thereupon be securely bound and replaced in the ballot-box. Immediately thereafter such pile of ballots other than straight ballots must be freed from such twine or other fastening, without removal from the ballot-box, and such ballots must be taken out one at a time by one of the members of the Board, and the name of each person marked in the ballots as voted for shall be distinctly read in connection with the office for which he is a candidate. After the ballots other than straight ballots have been so counted, and an official record, as hereinbefore mentioned, made, all ballots rejected for illegality must be strung upon said string of ballots other than straight ballots; whereupon, all the ballots thus strung shall be securely bound and be replaced in the ballot-box.

Ballots to be strung.

Ballots not "straight."

Rejected ballots.

SEC. 30. Section twelve hundred and fifty-eight of the Political Code is hereby amended to read as follows:

1258. Each Clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies as they are read aloud.

Tallies.

SEC. 31. Section twelve hundred and fifty-nine of the Political Code is hereby amended to read as follows:

1259. The ballot, as soon as the names marked on it as voted for are read, must be strung on a string by one of the Judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the Board writing his name across the seal.

Ballots to be sealed

SEC. 32. Four new sections are hereby added to the Political Code, to be numbered, respectively, twelve hundred and thirteen,

twelve hundred and fourteen, twelve hundred and fifteen, and twelve hundred and sixteen, as follows:

False nominations.

1213. No person shall falsely make, or fraudulently deface or destroy any certificate of nomination, or any part thereof, or file any certificate of nomination, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or to make, use, keep, or furnish to others, except as in this Code so directed, any paper watermark in imitation of ballot paper, or disclose the same to any person not engaged in making, printing, or distributing of ballot paper or ballots.

No supplies to be destroyed.

1214. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments, as provided in this Code, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters.

Secrecy of the ballot provided for.

1215. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place. No person shall remove any ballot from any polling place before the closing of the poll. No person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person, except a member of the Board of Election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling place for whom he intends to vote. No voter shall receive a ballot from any other person than one of the Ballot Clerks; nor shall any other person than a Ballot Clerk deliver a ballot to such voter. No voter shall deliver to the Board of Election, or to any member thereof, any ballot other than the one he has received from the Ballot Clerk. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place.

No interference allowed.

Soliciting.

Registrar.

1216. In all counties, and cities and counties, in this State, having a Registrar of Voters and a Board of Election Commissioners, the powers conferred and the duties imposed by this Code upon the County Clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such Registrar of Voters and Board of Election Commissioners, and all certificates of nomination required by this Code to be made to County Clerks shall be made to the Registrar of Voters.

SEC. 33. This Act shall take effect on the first day of July, eighteen hundred and ninety-one.

CHAPTER CXXXI.

An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

[Approved March 20, 1891.]

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

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

598. Corporations of the character mentioned in section five hundred and ninety-three may mortgage or sell the real property held by them, and may secure the payment of indebtedness by deed of trust or mortgage upon their real property, upon obtaining an order for that purpose from the Superior Court held in the county in which the property is situated. The corporations above mentioned may also issue bonds, payable at any time within twenty years, as evidence of the indebtedness secured by mortgage or deed of trust. Before making the order, proof must be made to the satisfaction of the Court that notice of the application for leave to sell or mortgage or execute a deed of trust has been given, by publication in such manner and for such time as the Court or the Judge has directed, and that it is to the interest of the corporation that leave should be granted as prayed for. The application must be made by petition, and any member of the corporation may oppose the granting of the order, by affidavit or otherwise. But nothing herein contained shall prohibit or prevent the Trustees or Directors of such corporation, under such rules and regulations as they may adopt, from disposing of burial plots situated in grounds of such corporation dedicated for burial purposes, without making such application to or obtaining an order from Court.

Religious and benevolent corporations may mortgage or bond property.

Notice by publication.

Not to apply to burial plots.

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

CHAPTER CXXXII.

An Act to amend Section 608 (six hundred and eight) of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to cemetery corporations.

[Approved March 20, 1891.]

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

SECTION 1. Section six hundred and eight of the Civil Code of the State of California is hereby amended to read as follows:

Cemetery corporations may own three hundred and twenty acres.

608. Corporations organized to establish and maintain cemeteries may take, by purchase, donation, or devise, land, not exceeding three hundred and twenty acres in extent, in the county wherein their articles of incorporation are filed, or in an adjoining county, and may employ any surplus moneys in the treasury thereof for such purpose; such lands to be held and occupied exclusively as a cemetery for the burial of the dead. The lands must be surveyed and subdivided into lots or plats, avenues, and walks, under order of the Directors, and a map thereof filed in the office of the Recorder of the county wherein the lands are situated. Thereafter, upon such terms and subject to such conditions and restrictions, to be inserted in the conveyances, as the by-laws or Directors may prescribe, the Directors may sell and convey the lots or plats to purchasers.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXIII.

An Act making an appropriation to pay the deficiency in the appropriation for payment of costs and expenses of trials of persons violating the law for the preservation of fish for the thirty-ninth, fortieth, and forty-first fiscal years.

[Approved March 20, 1891.]

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

Deficiency appropriation for prosecutions under fish laws.

SECTION 1. The sum of nine hundred and thirty-seven and twenty one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for payment of costs and expenses of trials of persons violating the law for the preservation of fish (as approved by the State Board of Examiners), for the thirty-ninth, fortieth, and forty-first fiscal years.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXIV.

An Act to provide for the payment of the claim of A. B. Dibble for professional services performed by him in the case of the People, respondent, vs. O. P. Dobbins, appellant, No. 12,106, Department One of the Supreme Court, August 30, 1887.

[Approved March 20, 1891.]

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

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of A. B. Dibble for professional services rendered by him to the State of California, in the case of the People, respondent, vs. O. P. Dobbins, appellant, number twelve thousand one hundred and six, Department One of the Supreme Court of California, August thirtieth, eighteen hundred and eighty-seven. Appropriation for A. B. Dibble.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer for five hundred dollars in favor of A. B. Dibble, and the State Treasurer is directed to pay the same.

SEC. 3. This Act is exempt from the provisions of section six hundred and seventy-two of the Political Code.

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

CHAPTER CXXXV.

An Act entitled an Act to amend section four hundred and seventy-five of the Political Code, providing for clerk and a phonographic reporter in the office of the Attorney-General, and fixing their salaries.

[Approved March 20, 1891.]

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

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

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

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

2. All Acts in conflict herewith are repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXVI.

An Act for the relief of the heirs of Michael Curran, deceased.

[Approved March 20, 1891.]

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

Michael
Curran
judgment.

SECTION 1. The Attorney-General is hereby authorized, in his discretion, to enter full satisfaction and discharge of the judgment obtained by the State of California against the estate of Michael Curran, deceased, upon the payment to the State of costs, amounting to the sum of one hundred and forty-nine dollars.

CHAPTER CXXXVII.

An Act to provide for the establishment of high schools in the State of California.

[Approved March 20, 1891.]

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

High
Schools
may be
estab-
lished.

SECTION 1. Any city or incorporated town of one thousand five hundred or more inhabitants may, by majority vote of the qualified electors thereof, establish and maintain a high school; or two or more adjoining school districts may unite and form a union high school district, for the purpose of establishing and maintaining a high school therein, at the expense of such city or incorporated town, or union high school district.

Election.

SEC. 2. When a majority of the Board of Education in a city or incorporated town having a Board of Education, or a majority of the Trustees of two or more adjoining school districts, shall unite in a petition to the County Superintendent, accompanied by a petition for the establishment of such high schools, signed by not less than one hundred resident electors of such city or incorporated town, or school district, it shall be the duty of the County School Superintendent, within twenty days, to call an election, and appoint the officers to conduct the same, for the determination of such question. Notices of such election, not less than five in such city or incorporated town, and not less than three for each district concerned, shall be posted, one of which shall be upon the school house in each district, at least ten days before said election. Said election shall be conducted in the manner prescribed by law for conducting school elections. The ballots at such elections shall contain the words "For high school," and the voter shall write or print thereafter on the ballot the word "Yes" or the word "No." It shall be

Ballots.

the duty of the officers of such elections to report the result of such elections to the County Superintendent of Schools.

SEC. 3. If a majority of such votes be cast in favor of a high school, it shall be the duty of the County Superintendent to call a meeting of the Board of Education in such city or incorporated town, if there be one; if not, of the Board of City Trustees, or of the Boards of School Trustees uniting, within fifteen days, ten days' notice of which shall be given to each member of each Board, in writing, by the County Superintendent. At such meeting the question of locating the high school shall be determined.

Duty of County Superintendents.

SEC. 4. In cities, incorporated towns, or union high school districts, which have determined to establish such high schools, an annual tax shall be levied by the authorities whose duty it is to levy taxes in counties, cities, incorporated towns, the amount of said tax being estimated by the County Superintendent of Schools (or if it be a city having a City Superintendent, then by the City Superintendent of Schools), and by him certified to the proper authorities, on or before the second Monday of September of each year. And it shall be the duty of such authorities to levy such a rate as will produce the amount estimated to be necessary for such purpose.

Annual taxes.

SEC. 5. In cities or incorporated towns having Boards of Education, the Board of Education shall have charge of such high schools. In school districts uniting to form a union high school district, the Board to have charge of the high school shall consist of the Chairman of the Board of Trustees of each district forming the union high school district.

Who has charge of High Schools.

SEC. 6. Said Board of Union High School District Trustees shall elect a Chairman and clerk at the time and in the manner as provided in section sixteen hundred and forty-nine of the Political Code. For the management of the union high school, the Board shall have all the powers and duties that are now and may be hereafter vested in School Trustees, except as otherwise provided in this Act; *provided*, that if the union high school district comprises but two school districts, the Union High School Board shall consist of the Chairman and clerk of each district concerned.

Board to elect Chairman and Clerk.

SEC. 7. The course of study of such high schools shall be prescribed by the High School Board. Said course of study shall be such as, when completed, shall prepare its students for admission into the State University.

Course of study.

SEC. 8. Graduates of the grammar schools of the city, incorporated town, or of the school districts composing the union high school district, shall be admitted to such high school without examination. Other applicants, residents of the city, incorporated town, or union high school districts, shall be admitted upon passing an examination, to be conducted by the High School Board and the Principal. Non-residents, otherwise qualified, may be admitted upon paying a reasonable tuition, to be fixed by the Board in charge of the school.

Who may be admitted.

SEC. 9. Nothing in this Act shall be construed as preventing all the school districts in the county from uniting to form one

County
High
School.

or more county high schools; *provided*, that when any city, incorporated town, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that if such city or incorporated town, or two or more school districts, shall establish a high school prior to the submission of the question of establishing a county high school or schools, the electors of such high school district shall be excluded from voting upon the county high school proposition.

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

CHAPTER CXXXVIII.

An Act to authorize the Directors of the Veterans' Home Association to exchange certain lands in the City and County of San Francisco for certain other property belonging to said city and county, or for a lease of said property.

[Approved March 20, 1891.]

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

Descrip-
tion.

SECTION 1. The Mayor of the City and County of San Francisco having heretofore executed in favor of the Veterans' Home Association of California a deed of conveyance of all that certain piece or parcel of land situate in said city and county, and bounded and described as follows, to wit: Commencing on the easterly line of Twenty-third Avenue, two hundred and twenty-five (225) feet northerly from the northerly line of Clement Street, and running thence northerly along said line of Twenty-third Avenue one hundred and fifty (150) feet; thence at right angles easterly two hundred and forty (240) feet to the westerly line of Twenty-second Avenue; thence southerly along said line of Twenty-second Avenue one hundred and fifty (150) feet; thence westerly at right angles two hundred and forty (240) feet to the point of commencement, being a portion of block one hundred and sixty (160) of the outside lands, the said Veterans' Home Association, by its Directors, and their successors in office, are hereby empowered, at their pleasure, to reconvey the said premises to the said city and county, upon receiving from the said Mayor of said city and county a lease for the term of fifty years, rent free, of any other certain piece or parcel of land situate in said city and county. The Mayor shall, whenever he may be authorized so to do by the Board of Supervisors of said City and County of San Francisco, execute and deliver such lease and receive the delivery of said deed and the possession of the land to be conveyed thereby, as aforesaid. Upon the execution of such deed, the title to the lands described herein shall vest in the said City and County of San Francisco; and such lease of other prop-

Directors
to recon-
vey.

Lease in
exchange.

Title.

erty to be executed by the Mayor, as aforesaid, shall vest the right of possession to said property in the said Veterans' Home Association, and the said property may be thereafter granted or leased and disposed of by the Directors of said association for such benevolent or charitable purposes as the Board of Directors of said association may, at any time, designate by order or resolution.

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

CHAPTER CXXXIX.

An Act prescribing the competency and for the protection of witnesses testifying as to crimes against the elective franchise, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-four of said Penal Code.

[Approved March 20, 1891.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section sixty-four, to read as follows:

64. No person, otherwise competent as a witness, shall be disqualified or excused from testifying concerning any of the offenses enumerated and prescribed in this title, on the ground that such testimony may criminate himself; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution.

No prosecution against witnesses testifying in election cases.

CHAPTER CXL.

An Act to prohibit the coming of Chinese persons into the State, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this State, and fixing penalties and punishments for violation of this Act, and providing for deportation of criminals.

[Approved March 20, 1891.]

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, it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well as those who are now within the limits of this State, and who may hereafter leave this State and attempt to return, as those who have never been

Chinese prohibition.

here, or having been here have departed from this State (save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the Government of the United States as Ministers Plenipotentiary, or other diplomatic representatives, Consuls-General, consular and commercial agents, including other officers of the Chinese or other Governments traveling upon the business of that Government, with their body and household servants), to come to or within, or to land at or remain in any port or place within this State; and the coming of Chinese persons to this State, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this Act, be and the same is hereby absolutely prohibited.

SEC. 2. The master, purser, or agent of any vessel, who, on clearing from any foreign port and bound to any port of this State, shall knowingly ship as a sailor or marine, or enter upon his crew list, or count upon his "bill of health," or permit the same to be entered or counted, the name of, or bring into this State, any Chinese person, other than those excepted by the statutes of the United States, as such Chinese person or persons, duly accredited to the Government of the United States as Ministers Plenipotentiary, or other representatives, Consuls-General, consular and commercial agents, including other officers of the Chinese or other Governments traveling upon business of that Government, with their body and household servants, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese person so entered, counted, or brought into this State, and may also be imprisoned for a term of not exceeding one year; but the foregoing provisions shall not apply to the case of any master, purser, or agent whose vessel, being bound to a port not within this State, shall come within the jurisdiction of this State by reason of being in distress, or in stress of weather, or touching at any port of this State on its voyage to any other State, or foreign port or place; *provided*, that no Chinese person brought on such vessel shall be permitted to land, except in case of absolute necessity, and must depart with the vessel on its leaving port; and if so permitted to land, such master, purser, or agent shall be liable as in this section provided.

SEC. 3. It is hereby made the duty of all agents of transportation, and ticket agents, in this State, for railroads, stage lines, steamship lines, and vessels of all descriptions, and masters and pursers of the same, when applied to by any Chinese person, or by any other person for the passage of a Chinese person, for a ticket as passenger from one station, town, city, port, or landing in this State, to another station, town, city, port, or landing in this State, or to any other State of the United States, and before selling such ticket, to demand of said person applying permission to see, and shall, before selling a ticket, examine the "certificate of residence" of the applicant, as described in this Act, and insert the number of said certificate

Excep-
tions.

Rules as to
vessels and
masters or
agents.

Penalty.

Excep-
tions.

Rules gov-
erning
transport-
ation and
ticket
agents.

of residence on said ticket; and should such applicant or Chinese person fail to produce such certificate, then the said agent shall not sell a ticket to, or permit said Chinese person to take passage, and said agent, master, or purser shall arrest, or cause to be arrested, the said Chinese person or applicant, and proceed to file a complaint with any Justice of the Peace or Police Judge, or Court having jurisdiction of the same, as in other cases provided for in this Act, or turn over such Chinese person or applicant to some peace officer, whose duty it is to enforce the provisions of this Act. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every offense, and may be imprisoned for a term of not more than one year.

Same.

Non-compliance a misdemeanor.

SEC. 4. It shall be the duty of all conductors or agents of transportation, who may be authorized to examine tickets and receive fare of Chinese persons upon any railroad, stage line, sail vessel, or steamship plying between points, landings, ports, stations, towns, or cities of this State, or coming into this State from other States of the United States, or any foreign country, to demand at the same time to see and examine the "certificate of residence" described in this Act; and should any such Chinese person refuse or fail to produce, on demand, said certificate, conforming in all particulars to the provisions of section (11) eleven of this Act, it shall be the duty of said agent, or conductor, master, or purser, to arrest and confine such Chinese person until such time as he shall be able to deliver over such person to some peace officer, or file a complaint against said Chinese person in a Court having jurisdiction, as provided for in this Act; and should any such agent, ticket agent, conductor, master of vessel, or purser, refuse, or willfully or knowingly neglect to comply with the provisions of this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, and may be imprisoned for a term of not more than one year.

Duty of railroad conductors and agents.

Neglect of conductor a misdemeanor.

SEC. 5. Any person who shall knowingly bring into or cause to be brought into this State, by land or otherwise, or who shall aid or abet the same, or aid or abet the landing in this State, from any vessel or otherwise, of any Chinese person not lawfully entitled to enter this State, shall be deemed guilty of a felony, and shall on conviction thereof be fined in a sum of not exceeding one thousand dollars, and imprisoned in the State's Prison for a term not exceeding one year, and, if a Chinese person, shall be sentenced to deportation as in other cases.

Penalty for aiding unlawful entrance into this State.

SEC. 6. No Chinese person shall be permitted to enter this State, by land or water, without first producing the certificate in this Act required of Chinese persons resident of this State. And any Chinese person found guilty of being unlawfully within this State, shall be caused to be removed therefrom, by judgment of Court, to China, unless the defendant shall prove that he is a citizen of some foreign country other than China,

Unlawful residents to be removed.

then to said country of which he is a citizen. The burden of establishing citizenship shall rest upon the defendant. In every case, when established that such Chinese person is not lawfully in this State, then the judgment of the Court shall be deportation to the country of his citizenship at the cost of said person so to be deported; and judgment and fine may be rendered therefor, and, if collected, paid unto and credited to the Chinese Fund, and if not paid or collected, then, in the first instance, to be paid by this State out of the Chinese Fund, after being brought before some Superior Court Judge of this State, and declared by said judgment to be one not lawfully entitled to be or to remain in this State; *provided*, that after such judgment and finding of any Court having jurisdiction, said Court may transmit such findings and judgment to the Governor, who may forward a copy thereof to the Secretary of the Treasury of the United States, or other officer designated by him, and request that such Chinese person shall be removed from the limits of this State at the expense of the United States; and in all such cases the person who brought or aided in bringing such person to this State shall be liable to the Government of this State for all necessary expenses incurred in such investigation and removal; and all peace officers of the several counties of this State, including all other persons authorized to make arrests, are hereby invested with the same authority as any Sheriff or Constable.

Deportation.

How accomplished.

Penalty of unlawful residence.

SEC. 7. Any Chinese person adjudged guilty of being unlawfully within the jurisdiction of this State, and on conviction thereof, shall be punished by being deported from this State to his or her own country, or by a fine of not less than five hundred dollars nor more than one thousand dollars, and deportation from this State to his or her own country, or by imprisonment in the State Prison for a term not less than one nor more than five years, and on termination of said imprisonment shall be deported to China, or such country of which he is a citizen; all the expenses of deportation, upon approval of the State Board of Examiners, shall be drawn from the Chinese Fund provided for in this Act, and from no other source, when defrayed by the State.

Photograph to accompany findings.

SEC. 8. In all cases where the judgment of deportation, or fine and deportation, or imprisonment and deportation, shall be rendered by any Court trying the same, it shall be the duty of the Court to cause to be made a copy of the findings and judgment in the case, attaching to the same a well taken photograph of the defendant, and also stating such distinctive facial marks, or noticeable physical marks or features, as will at any future time assist in a ready detection and conviction on a second offense, and forward the same to the Commissioner of the Bureau of Labor Statistics of this State, for preservation and reference at any future time.

Duty of Labor Commissioner.

SEC. 9. Within ninety (90) days after the passage of this Act, it shall be the duty of the Commissioner of the Bureau of Labor Statistics of this State, to cause to be published in one daily or weekly newspaper, if any, of general circulation within each

county of the State, for the period of one month, once each week, a notice to all Chinese persons within the State, and also post a like notice in a conspicuous place at such Post Offices as he may deem proper, written in the Chinese language, directing and commanding all Chinese persons within this State to appear at the office of the Commissioner of the Bureau of Labor Statistics within ninety (90) days from the date of the last publication of such notices, and apply for the certificate of residence provided for in this Act.

SEC. 10. It shall be the duty of every County Clerk to record, in a book kept for that purpose, and with reasonable dispatch, all certificates of residence issued to Chinese persons who may reside in the county, and keep a full record of all such certificates, for future reference and identification, with the photograph of said Chinese person incorporated therein.

Duty of County Clerks.

SEC. 11. The form of "certificate of residence" shall be printed on parchment of convenient size and durable quality, leaving a blank space in center of first page of sufficient size, on which shall be printed or pasted a well taken photograph of applicant, including, when possible, all facial marks or other features calculated to aid in a ready identification. The printing surrounding the photograph shall be in clear type, and contain the name, date of birth, place of birth, and country and citizenship; date of departure from such country; date and year of arrival in the United States, at what port landing; age, sex, Post Office address, number of street, town, city, farm, ranch, county, and State at which he may now reside; family name and tribe, complexion, color, height, weight, and occupation; by whom employed, and Post Office address of employer; if working on own account, at what employment, giving number of street, town, or city, name of farm, ranch, and occupation, and also any particular noticeable facial marks or bodily deformity as may be observed and believed to render ready aid in future identification; and any Chinese person who shall be found within the jurisdiction of this State, unprovided with a certificate of residence of the form above set forth, and bearing the official signature of the Commissioner of the Bureau of Labor Statistics of this State, after the expiration of one year from the date of the passage of this Act, then and in such case he shall be deemed and adjudged as unlawfully within the limits of this State, and subject to punishment as provided for in this Act.

Certificate of residence.

What to contain.

Official signature of Commissioner.

SEC. 12. The County Clerk shall cause to be affixed to the "certificate of residence" of every Chinese person presenting the same for record, his official signature and seal and the date of record.

Official signature of County Clerk.

SEC. 13. It shall be the duty of all Chinese persons within the limits of this State at the date of the passage of this Act, within one year after the passage of this Act to apply for a "certificate of residence" to the Commissioner of the Bureau of Labor Statistics, and on obtaining the same, to present to, and have recorded by the County Clerk of the county of residence of such Chinese person, his "certificate of residence," as hereinbefore provided; and any Chinese person within the

All Chinese must have certificate of residence.

limits of this State, who shall fail or refuse to comply with the provisions of this Act shall be adjudged by the Court before whom he may be tried as being unlawfully within the limits of this State, and subject to the same fines and penalties as in other cases provided for in this Act.

Blank records.

SEC. 14. Immediately after the passage of this Act, the Secretary of State shall cause to be printed by the State Printer and sent to the Clerks of the several counties throughout this State the necessary blank record books, containing blank certificates, provided for herein, in such form as prescribed by this Act and the Commissioner of the Bureau of Labor Statistics.

Fees charged.

SEC. 15. Each Chinese person who shall apply to the Commissioner of the Bureau of Labor Statistics for a certificate as required herein, shall pay to the said Commissioner of the Bureau of Labor Statistics, to be paid into the State Treasury, and credited to the "Chinese Fund," the sum of five dollars, which sum, together with cost of photographs and recording and fee of deputy issuing the certificate of residence, shall be the only compensation allowed for registering and issuing certificates to Chinese persons as herein provided; *and provided*, that the applicant shall pay for or furnish the photograph set forth in section (11) eleven of this Act, satisfactory to the Commissioner of the Bureau of Labor Statistics.

State Printer to furnish certificates.

SEC. 16. Immediately after the passage of this Act, the Secretary of State shall cause to be printed by the State Printer, on parchment, and of the size adopted by the Commissioner of the Bureau of Labor Statistics, blank copies of the "certificate of residence" referred to in this Act, in sufficient quantities to supply the requirements of the Commissioner of the Bureau of Labor Statistics in carrying out this Act.

Chinese Fund Account.

SEC. 17. The Controller of this State shall open a set of books of account, known as the "Chinese Fund Account," in books to be provided by the Secretary of State, in which shall be entered all moneys received under this Act, the date received, and name of persons paying the same, and for what purpose such money was received, upon itemized statements, rendered on the last day of each month by the Commissioner of the Bureau of Labor Statistics, on blank forms furnished by the State for such purpose; and thereupon the Commissioner of the Bureau of Labor Statistics shall pay such moneys into the State Treasury to the credit of said Chinese Fund.

Disposition of fees.

SEC. 18. The fees collected under the provisions of this Act shall be known and set apart by the Treasurer of State as the "Chinese Fund," and shall be held and drawn upon solely to defray the expenses incidental to the execution of this Act.

Reward.

SEC. 19. The Governor of this State is authorized and required, at the expiration of one year from the passage of this Act, to offer a reward of twenty-five (\$25) dollars to any person or persons, as informants, who shall produce the necessary testimony for the conviction of any Chinese person of a violation of this Act; *provided*, that the same shall be paid from the fund collected under the provisions of this Act and known as the "Chinese Fund," and from no other moneys belonging to

the State; *provided*, that no such reward shall be allowed when such Chinese persons are deported for violation of other laws of this State or municipal ordinances.

SEC. 20. Whenever any peace officer of this State, or of any county or municipality of the same, shall have good reason to believe that any Chinese person has neglected to provide himself or herself with a certificate of residence provided for in this Act, he shall demand of said person permission to see and examine said certificate; and, on failure or refusal of such said person to produce the same, he shall at once report the facts, on oath, to the nearest Justice of the Peace, or Police Judge, or Judge of any Superior Court, who shall, if in his judgment good cause is shown, issue his warrant for the arrest of said Chinese person, and proceed to examine or try the defendant upon said charge.

Any peace officer may demand to see certificates.

Warrant of arrest.

SEC. 21. Whenever it shall appear to any Court having jurisdiction of any case under this Act, that, upon the testimony, the defendant has failed to provide himself or herself with the certificate as set forth in this Act, for cause, or from reasonable circumstances over which he or she had no control, then and in such cases the judgment of the Court shall be that such Chinese person shall pay all costs of such investigation, and at that time, without delay, proceed to register and procure a certificate as provided for in this Act; *and provided further*, that should the defendant fail, on demand of the Court, to comply with the judgment of the same, under the provisions of this Act, then and in such cases the penalty shall be the same as provided for in other cases, and the award to the informant shall be the same as in other cases; *provided*, that when sufficient excuse is shown for not having registered, and such registration is made, no penalty shall be inflicted except the payment of costs.

When liable for costs only.

SEC. 22. Any person whose race or nationality precludes him from being naturalized under the laws of the United States, or under the laws of this State, found guilty of a violation of any law of this State, or of any ordinance of a municipality of this State, other than a capital offense, shall be deemed and adjudged as having forfeited all right and privilege to remain within the State, and it shall be the duty of the Court trying the cause to pass sentence of deportation as in other cases provided for in this Act, to be executed after he shall have satisfied the penalty of fine and imprisonment, or either, for violation of such law of this State, or ordinance of any municipality of the same; *provided*, that the Court trying said cause may, in its discretion, pass such sentence of deportation in the first instance as the only penalty.

Penalty for violation of State laws.

SEC. 23. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein registered, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued, who shall falsely present any such certificate, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in a sum not exceeding

Falsely altering or substituting a certificate a felony.

one thousand dollars, and imprisoned in the State Penitentiary for a term of not more than five years.

SEC. 24. For the purpose of carrying out the provisions of this Act, it is hereby provided:

Salary.

Subdivision 1. That the Commissioner of the Bureau of Labor Statistics shall have for his services to be rendered in carrying out this Act the sum of two thousand (\$2,000) dollars per annum, payable out of the Chinese Fund in this Act created and provided for.

Deputies.

Subdivision 2. The Commissioner of the Bureau of Labor Statistics may, with the concurrence and consent of the Governor, appoint such deputies as may be deemed by them necessary to carry out the provisions of this Act, and that such deputies shall receive such compensation as may be fixed by the State Board of Examiners, not to exceed the sum of one dollar for each certificate issued, in full compensation for their services as such deputies, to be charged to the Chinese Fund hereinbefore specified.

Claims.

Subdivision 3. All claims arising out of and incident in carrying out the provisions of this Act shall be presented the same as other claims against the State, and audited and passed on by the State Board of Examiners, and paid on warrants drawn by the Controller upon the Chinese Fund.

SEC. 25. This Act shall take effect from and after its passage.

CHAPTER CXLI.

An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecution for murder, the embezzlement of public moneys, and the falsifications of public records must be commenced, and providing the time within which informations may be filed, or indictments found, for other felonies.

[Approved March 20, 1891.]

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

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

No limitation in certain crimes.

799. There is no limitation of time within which a prosecution for murder, the embezzlement of public moneys, and the falsification of public records must be commenced. Prosecution for murder may be commenced at any time after the death of the person killed, and for the embezzlement of public money or the falsification of public records, at any time after the discovery of the crime.

SEC. 2. Section eight hundred of the Penal Code is hereby amended so as to read as follows:

800. An indictment for any other felony than murder, the embezzlement of public money, or the falsification of public records, must be found, or an information filed, within three years after its commission.

CHAPTER CXLII.

An Act making an appropriation to provide for the deficiency in the appropriation for the pay of officers and clerks of the Assembly, for the twenty-ninth session of the Legislature.

[Approved March 21, 1891.]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the deficiency in the appropriation for the pay of officers and clerks of the Assembly, for the twenty-ninth session of the Legislature. Deficiency in Assembly.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLIII.

An Act making an appropriation to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, twenty-ninth session.

[Approved March 21, 1891.]

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

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, twenty-ninth session, for the forty-second fiscal year. Deficiency in Senate.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLIV.

An Act to add a new section, to be known as section six hundred and eighty-four of the Political Code, in regard to the appointment of and fixing the salary of an assistant to the Secretary of the State Board of Examiners, and to appropriate money for the payment of his salary.

[Approved March 21, 1891.]

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

SECTION 1. A new section is added to the Political Code, to be known as section six hundred and eighty-four, as follows:

Assistant
Secretary
to Board of
Examin-
ers.

684. The Governor may appoint an assistant to the Secretary of the State Board of Examiners, at an annual salary of eighteen hundred dollars, payable in the same manner as the salaries of other State officers. Said assistant is a civil executive officer.

SEC. 2. There is hereby appropriated the sum of six hundred and seventy-five dollars out of any money in the State Treasury not otherwise appropriated, for the payment of the salary of the assistant to the Secretary of the State Board of Examiners, for the forty-second fiscal year.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLV.

An Act to authorize Robert C. Ball to sue the State of California.

[Approved March 24, 1891.]

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

R. C. Ball
authorized
to sue
State.

SECTION 1. Robert C. Ball is hereby authorized to commence and prosecute a civil action in any Court of competent jurisdiction, against the State of California, for the value of his services as Architect and Superintendent of the Branch State Prison at Folsom.

Summons.

SEC. 2. Summons in said action 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.

Bonds for
costs and
attorney
fees.

SEC. 3. In beginning this action, it is expressly understood that said Robert C. Ball shall file with the Court, where such is first to be tried, a bond in sufficient sum to cover the cost of Court, such as may be deemed sufficient, and approved by said Court, and an additional bond in the sum of five hundred dollars, to be paid as fees for counsel employed by the State in

the defense of the case; but in the event the judgment is in favor of Robert C. Ball, he shall in no manner be responsible, and his bondsmen shall be released from all liability.

SEC. 4. Either party to said action may appeal to the Appeal. Supreme Court from any judgment or appealable order of said Superior Court therein.

SEC. 5. If final judgment shall be rendered against the Warrant. State, it shall be the duty of the Controller of the State, upon presentation of a certified copy of said judgment, to draw his warrant in favor of said Robert C. Ball for the amount of said judgment.

SEC. 6. And it shall be the duty of the Treasurer to pay the sum out of any moneys not otherwise appropriated.

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

CHAPTER CXLVI.

An Act to provide for the payment of the wages of mechanics and laborers employed by corporations.

[Approved March 31, 1891.]

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

SECTION 1. Every corporation doing business in this State shall pay the mechanics and laborers employed by it the wages Weekly or monthly payments. earned by and due them weekly or monthly, on such day in each week or month as shall be selected by said corporation.

SEC. 2. A violation of the provisions of section one of this Act shall entitle each of the said mechanics and laborers to a Lien on property. lien on all the property of said corporation for the amount of their wages, which lien shall take preference over all other liens, except duly recorded mortgages or deeds of trust; and in any action to recover the amount of such wages or to enforce Attorney fee. said lien, the plaintiff shall be entitled to a reasonable attorney's fee, to be fixed by the Court, and which shall form part of the judgment in said action, and shall also be entitled to an Attachment. attachment against said property.

CHAPTER CXLVII.

An Act to amend sections two, three, four, five, seven, nine, twenty-four, twenty-six, thirty-four, thirty-five, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities," approved March 18, 1885, and an Act amendatory thereof, approved March 14, 1889, relative to the mode of assessing and otherwise providing for said work.

[Approved March 31, 1891.]

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

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

Duty of
City
Council.

Section 2. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole, or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or re sewerred, and to order sidewalks, manholes, culverts, cesspools, curbing, and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved.

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

Resolution
of inten-
tion.

Section 3. Before ordering any work done or improvement made, which is authorized by section two of this Act, the City Council shall pass a resolution of intention so to do, and describing the work, which shall be posted conspicuously for two days on or near the chamber door of said Council, and published by two insertions in one or more daily, semi-weekly, or weekly newspapers published and circulated in said city, and designated by said Council for that purpose. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than one hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or any part thereof, in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and briefly the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for six days,

Notices to
be posted.

Notice to
be pub-
lished.

in one or more daily newspapers published and circulated in said city, and designated by said City Council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated, and designated. In case there is no such paper published in said city, said notice shall be posted for six days on or near the chamber door of said Council, and in two other conspicuous places in said city, as hereinafter provided. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block, or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work, or making said improvement, unless the owners of the one half or more of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At any time before the issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said Council in relation to the performance of the work mentioned in said notice of intention, shall file with the Clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said City Council, and its decision therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, man-holes, culverts, or cesspools, crosswalks or sidewalks, and curbs, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the said City Council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such objector. At the time specified said City Council shall hear the objections urged, and pass upon the same, and its decisions shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon said street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, said City Council may order any of the work mentioned in this Act to be done upon said intervening ungraded or unimproved part of said street, or at the end of a street, and said work

Written objections properly delivered a bar for six months, if representing a majority of frontage.

Remonstrance.

Time for hearing.

Notice by mail.

Decision of City Council final.

When Council may disregard objections.

How City Council acquires jurisdiction.

Estimates by the City Engineer.

When City Council may create a district.

Objections to district.

upon said intervening part, or at the end of a street, shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, said Council may order the remainder improved, graded, or otherwise, notwithstanding such objections of property owners. At the expiration of twenty days after the expiration of the time of said publication by said Street Superintendent, and at the expiration of twenty-five days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of a major frontage of the property fronting on said proposed work or improvement, or if any written objection purporting to be signed by the owners of a major frontage is disallowed by said Council, as not of itself barring said work for six months, because, in its judgment, said objection has not been legally signed by the owners of a majority of said frontage, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this Act; which order, when made, shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said City Council, if required by it, by the City Engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the City Council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the City Engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the City Council may make the expense of such work or improvement chargeable upon a district, which the said City Council shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The City Clerk shall lay said objections before the City Council, which shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The

City Clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector. At the time specified the City Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the City Council, the proceedings shall continue the same as if such objections had not been made.

Duty of City Council when objections are filed.

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

Section 4. The owners of a majority in frontage of lots and lands fronting on any street, avenue, lane, alley, place, or court, or of lots or lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the City Council to order any of the work mentioned in this Act to be done, and the City Council may order the work mentioned in said petition to be done, after notice of its intention so to do has been posted and published as provided in section three of this Act.

Council may order work done after majority of frontage petitions.

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

Section 5. Before the awarding of any contract by the City Council for doing any work authorized by this Act, the City Council shall cause notice, with specifications, to be posted conspicuously for five days on or near the Council chamber door of said Council, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, semi-weekly, or weekly newspaper published and circulated in said city, designated by the Council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check payable to the order of the Mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the Clerk of the said City Council, and said Council shall, in open session, examine and publicly declare the same; *provided, however,* that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the Council. The City Council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder,

Specifications to be posted conspicuously.

Publication of notice.

Check to accompany bid.

Bids to be examined publicly.

Power to reject bids.

and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the Mayor, or a three-fourths vote of the City Council. If not approved by him, or a three-fourths vote of the City Council, without further proceedings, the City Council may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the City Clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it, and paid into its fund for repairs of streets; and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contract shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published for two days in a daily newspaper published and circulated in said city, and designated by said City Council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated, and designated; *provided, however*, that in case there is no newspaper printed or published in any such city, then such notice of award shall only be kept posted as hereinbefore provided. The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails, or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into the contract, then the City Council, without further proceedings, shall again advertise for proposals or bids as in the first instance, and award the contract for said work to the then lowest regular bidder. The bids of all persons and the election of all owners, as aforesaid, who have

Readver-
tising.

When cer-
tified
check to be
forfeited.

Notice of
award to be
given.

Owners of
frontage
may elect
to do the
work.

When not
done by
owners,
Superin-
tendent of
Streets to
make con-
tract.

Readver-
tising.

failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner or contractor, who may have taken any contract, do not complete the same within the time limited in the contract, or within such further time as the City Council may give them, the Superintendent of Streets shall report such delinquency to the City Council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the Superintendent of Streets of said city, with two or more sureties and payable to such city, in such sums as the Mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the Superintendent of Streets, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this Act, and such other notices as may be deemed requisite by the City Council. And in case the work is abandoned by the city before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the City Treasury.

Defaulting bidders not to receive contract.

Relet unfinished portions.

Bonds.

Justification.

Cost of publication to be advanced.

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

Section 7. *Subdivision One*—The expenses incurred for any work authorized by this Act (which expense shall not include the cost of any work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

How expense of work shall be assessed.

Subdivision Two—The expense of all improvements, except such as are done by contractors under the provisions of section thirteen of this Act, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this Act, shall be assessed upon the lots and lands, as provided in this section, according to the nature and character of the work; and after such acceptance the expense of all the work thereafter done thereon shall be paid by said city out of the Street Department Fund.

How other improvements are assessed.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering

Expense of work done on main street crossings.

upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

When a main street terminates in another main street.

Subdivision Four—Where a main street terminates in another main street, the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

When an alley crosses a main street.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another.

Expense of work on an alley.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such alley or subdivision street, if it does not meet another.

When a subdivision street terminates in another street.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one half of the width of the subdivision street, avenue, lane, alley, place, or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or to the end of such street, avenue, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

When work is done for one block or less.

Subdivision Eight—Where any work mentioned in this Act (manholes, cesspools, culverts, crosswalks, piling, and capping excepted) is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expenses of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. And when sewerage or resewerage is ordered to be done under the sidewalk on only one side of a street for any length thereof, the assessment for its expenses shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

Sewering on one side of street.

Subdivision Nine—Section one of chapter three hundred and twenty-five of the laws of this State, entitled “An Act amendatory of and supplementary to ‘An Act to provide revenue for the support of the government of this State,’ approved April twenty-ninth, eighteen hundred and fifty-seven,” approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section; but the property herein mentioned shall be subject to the provisions of this Act, and be assessed for work done under the provisions of this section.

Section 1, Chapter CCCXXV of laws of 1859, not applicable.

Subdivision Ten—It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the City Council, to perform, at his or their own expense (after obtaining permission from the Council so to do, but before said Council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the City Engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the Superintendent of Streets, which certificate the Superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the City Council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and the contract must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners, and his or their successors in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the Superintendent of Streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess

Owners of lots may grade in front of their own property.

Certificate from City Engineer.

Credits to be given for work performed.

Exceptions

Other work
(except
grading)
to be
excepted.

of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do, any work (except grading) on such street, in front of any block, at his or their own expense, and the City Council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision eleven of this section of this Act; *provided*, that the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the Street Superintendent at the time said order is passed.

Lots front-
ing upon
excepted
work to be
excluded
from reso-
lution.

Subdivision Eleven—The City Council may include in one resolution of intention and order any of the different kinds of work mentioned in this Act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision ten of this section.

City En-
gineer to
make
diagram.

Subdivision Twelve—Whenever the resolution of intention declares that the costs and expenses of the work and improvement are to be assessed upon a district, the City Council shall direct the City Engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece, or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the City Council, the Clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the Superintendent of Streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said Superintendent of Streets, or City Council, on appeal, proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each, respectively, in proportion to the estimated benefits to be received by each of said several lots,

Benefits
to be
estimated.

portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of subdivisions three, four, five, six, seven, and eight of this section shall not be applicable to the work or improvement provided for in this subdivision.

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

Section 9. To said assessment shall be attached a warrant, ^{Warrant.} which shall be signed by the Superintendent of Streets, and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

By virtue hereof, I (name of the Superintendent of Streets), ^{Form of warrant.} of the city of —, county of — (or city and county of —), and State of California, by virtue of the authority vested in me as said Superintendent of Streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.) — (name of Superintendent of Streets).
Countersigned by (name of Mayor).

Said warrant, assessment, and diagram, together with the certificate of the City Engineer, shall be recorded in the office of said Superintendent of Streets. ^{Record of warrant.} When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram, and certificate, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, ^{To be delivered to contractor.} the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the said Superintendent of Streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Whenever it shall appear by any final judgment of any Court of this State that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this Act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or in the return thereof made to or recorded by said Superintendent of Streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said Superintendent ^{Course to be pursued in case of error.}

of Streets who issued the same, or to any Superintendent of Streets in office at the time of said application, for another assessment to be issued in conformity to law; and said Superintendent shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting Mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the date of said assessment, and be enforced as provided in section seven of this Act.

SEC. 7. Section twenty-four of said Act is hereby amended to read as follows:

City Council to have power to construct and clean sewers.

Section 24. The City Council of such city shall have full power and authority to construct sewers, gutters, and manholes, and provide for the cleaning of the same, and culverts, with crosswalks, or culverts, or cesspools, or crosswalks, or sidewalks, or any portion of any sidewalk upon or in any street, avenue, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such Council deems proper.

SEC. 8. Section twenty-six of said Act is hereby amended to read as follows:

May designate what fund to be used.

Section 26. The City Council may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work mentioned in this Act be paid out of the Treasury of the municipality from such fund as the Council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the Superintendent of Streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal Treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

Remainder to be assessed proportionately.

SEC. 9. Section thirty-four of said Act is amended to read as follows:

Who to do the surveying.

Section 34. *First*—The City Engineer, or where there is no City Engineer, the County, or City and County Surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all Courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties

Record of surveys.

herein laid down as those of City Engineer, and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed. Said City Council is hereby empowered to fix his compensation for such services.

Second—The words “work,” “improve,” “improved,” and “improvement,” as used in this Act, shall include all work mentioned in this Act, and also the construction, reconstruction, and repairs of all or any portion of said work. Definition of words

Third—The term “incidental expenses,” as used in this Act, shall include the compensation of the City Engineer for work done by him; also, the cost of printing and advertising as provided in this Act, and not otherwise; also, the compensation of the person appointed by the Superintendent of Streets to take charge of and superintend any of the work mentioned in section thirty-five of this Act. All demands for incidental expenses mentioned in this subdivision shall be presented to the Street Superintendent by itemized bill, duly verified by oath of the demandant. What is meant by incidental expenses

Fourth—The notices, resolutions, orders, or other matter, required to be published by the provisions of this Act, and of the Act of which this is amendatory, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the Council of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that only in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders, or other matters, as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly, or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this Act, shall be necessary to give validity to any of the proceedings provided for therein. Daily newspapers to be designated where possible.

Fifth—The word “municipality,” and the word “city,” as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes. Proof of publication.

Sixth—The words “paved,” or “repaved,” as used in this Act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood, or other material, whether patented or not, which the City Council shall by ordinance adopt. What “municipality” and “city” mean

Seventh—The word “street,” as used in this Act, shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts, and places, and the term “main street” means such actually opened street or streets as bound a block; the word “blocks,” whether regular “Paved” and “repaved”

Meaning of “street”

“Block”

or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city.

“Street Superintendent ”

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

“City Council ”

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

President of Trustees.

Tenth—In municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality.

“Clerk ”

Eleventh—The term “Clerk” and “City Clerk,” as used in this Act, is hereby declared to include any person or officer who shall be Clerk of the said City Council.

“Quarter block ”

Twelfth—The term “quarter block,” as used in this Act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

“One year ”

Thirteenth—The term “one year,” as used in this Act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

“This Act ”

Fourteenth—References in certain sections, by number, to certain other sections of “this Act” refer to the number of the sections of the original Act as heretofore amended, unless it appears from the context that the reference is to the section of this amendatory Act, when it shall be construed according to the context.

SEC. 10. Section thirty-five of said Act is hereby amended to read as follows:

Overseers to be appointed.

Section 35. The Superintendent of Streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping, sidewalking, or of the paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the Superintendent of Streets. Such person

Duties

shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this Act. Compensation

SEC. 11. Section thirty-seven of said Act is hereby amended to read as follows:

Section 37. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with this Act are hereby repealed; and *provided, however*, that any work or proceedings of the City Council commenced under the Act of which this amendatory shall in nowise be affected thereby, but shall in all respects be finished and completed thereunder, and this Act shall in nowise affect said work or proceedings.

CHAPTER CXLVIII.

An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco.

[Approved March 31, 1891.]

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

SECTION 1. The office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco is hereby created; such attorney shall be appointed by the Governor, and shall hold his office as such attorney for the term of four years, and until his successor is elected and qualified. Attorney for Boards of Health.

SEC. 2. It shall be the duty of such attorney to act for and represent the State Board of Health and the Board of Health of the City and County of San Francisco in all legal matters which may require their attention as such Boards of Health, and to specially represent and act for and in coöperation with said Boards of Health, when required by them, in the prevention of all acts and things which, in the judgment of said Boards of Health, or either of them, may have a tendency to be detrimental to the health of the people of the State; and in such other matters pertaining to the health of the State in general and the duties of said Boards of Health, to assist and aid them with his advice, and to represent and act for them in Court. Duty of the Attorney.

SEC. 3. The salary of such attorney shall be three thousand dollars per annum, and shall be paid out of the State Treasury, upon warrants drawn by the Controller, in the same manner as the salaries of other State officers are paid. Salary.

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

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

CHAPTER CXLIX.

An Act to provide for the payment of funded indebtedness of the State of California, and to contract a funded debt for that purpose.

[Approved March 31, 1891.]

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

- SECTION 1.** For the purpose of liquidating and providing for the payment of the funded indebtedness of the State of California hereinafter specified, and to lessen the burden of taxation, the Governor of the State, the Controller of State, and the Treasurer of State, and their successors in office, shall constitute a Board of Commissioners, to be styled the Loan Commissioners of the State of California, and shall have and exercise the powers and perform the duties hereinafter provided.
- SECTION 2.** The said Loan Commissioners are hereby authorized to issue and sell not exceeding two million five hundred and twenty-eight thousand five hundred dollars (\$2,528,500) of the bonds of said State, bearing interest at the rate of four per cent per annum, which interest shall be payable semi-annually, in gold coin, on the second days in April and October in each year, at the office of the Treasurer of State. The principal of said bonds shall be made payable, in gold coin, within twenty years after the date of their issue, and shall be of such denominations as the said Loan Commissioners shall direct, but not less than five hundred dollars; shall bear the date of their issue, and shall be signed by the said Loan Commissioners, and shall have the seal of the State affixed thereto; and the faith of the State of California is hereby pledged for the payment of said bonds, and the interest accruing thereon, as herein provided.
- SECTION 3.** Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond; said coupons, consecutively numbered, shall be signed by the Treasurer of State.
- SECTION 4.** Before the sale of any of said bonds the said Loan Commissioners shall cause notice of such sale to be published for the space of one month in two daily newspapers published in English, one in the city of San Francisco and one in the capital of the State. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the day and hour of sale, the place of sale, which shall be at the State Capitol, and that sealed proposals will be received by the said Loan Commissioners for the purchase of said bonds, within one month from the expiration of such publication; and on the day and hour named in said notice, the said Loan Commissioners shall open all sealed proposals received by them, and shall award the purchase of said bonds to such bidders as will, in their opinion, make the most advantageous bid for the State; *provided*, that said Loan Commissioners may reject any or all bids, if they deem it to the advantage of the State; *and pro-*
- Loan Commissioners of the State.
- Amount of loan.
- Interest.
- When payable.
- Coupons.
- Notice of sale.
- What to specify.
- Bids to be opened.
- Power of Commissioners as to bids.

vided further, that they may refuse to make any award unless sufficient security shall be furnished by the bidders for the compliance with the terms of their bids; and provided further, that said bonds shall not be sold for less than one hundred cents on the dollar, in gold coin, par value.

SEC. 5. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all bonds sold under the provisions of this Act, showing the number, date, amount, and rate of interest of each bond, and to whom the same was issued. Record of sales.

SEC. 6. The proceeds of such bonds shall be paid into the State Treasury, and shall be applied to the payment of the following bonds, in the order of their issuance: The outstanding bonds issued under the Act entitled "An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose," approved April second, eighteen hundred and seventy. Proceeds to be paid into Treasury.

SEC. 7. All persons having any of the bonds specified in section six of this Act shall, upon presentation of such bonds to the said Loan Commissioners, be entitled to exchange them at their par value for bonds authorized to be issued under this Act at the rate of one hundred cents on the dollar, par value; but no bond shall be issued for a less sum than five hundred dollars, nor for a fractional part of a hundred dollars, but the said Loan Commissioners may issue certificates of such fractional parts not bonded, which said certificate shall be transferable and entitled to be paid out of the proceeds of the sales of any bonds provided for in section six of this Act. The Loan Commissioners shall cancel each bond so exchanged, and shall indorse on such bond the date on which they received the same, and from whom, the number and the amount of the bond issued in exchange therefor, and shall file such bond in the office of the Secretary of State. Exchange of bonds.
Cancellation of bonds.

SEC. 8. Whenever there shall be in the State Treasury, from the proceeds of the sale of bonds issued under this Act, a sum of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise in two newspapers printed in English, one in San Francisco, and one in the capital of the State, for two months, which advertisements shall state the amount of money in the Treasury applicable to the redemption of bonds, and the number of bonds, numbering them in the order of their issuance, which are redeemable; and three months from the date of the expiration of such advertisement, such bonds, unless sooner paid, shall cease to draw interest, but the money for the redemption of such bonds shall remain in the Treasury to pay such bonds whenever presented. When the Commissioners must advertise.
Interest to cease.

SEC. 9. For the payment within twenty years of the principal and interest of the bonds issued under this Act, there shall be levied annually by the State Board of Equalization, after any bonds have been issued under this Act, such rate of tax on each one hundred dollars of the assessed value of real and personal property in the State, to be computed by the Controller of State on the basis of the assessed value of such property for Annual levy for payment within twenty years.

the preceding year, as shall produce annually for the first five years seven per centum of the amount of such bonds issued; for the next ten years thereafter, twelve per centum of the amount of such bonds issued; and thereafter, until all the bonds issued under this Act are paid, fifteen per centum of the amount of such bonds issued. The State Board of Equalization shall certify the rate of tax thus computed to the several County Auditors, and the said Auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other State taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on — of each year, and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by the provisions of this section shall be paid into the State Treasury, and shall be applied, first, to the payment of the interest on the bonds issued by the provisions of this Act; second, to the payment of the principal of such bonds; *provided*, that all the moneys remaining in the State Treasury on the third day of January of each year, for the first five years after the issuance of any bonds under this Act, after all the interest on such bonds then due has been paid, shall be transferred by the Treasurer of State to the General Fund.

SEC. 10. Whenever, on the third of January or July in any year, after the expiration of five years from the date of issuance of any bonds under this Act, there remains, after the payment of the interest as provided in the preceding section, a surplus of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise, for the space of one month, in one daily newspaper published in English in the city of San Francisco, and for one month in one daily paper published in English at the State capital, for sealed proposals, to be opened one month after the expiration of such publication by the Treasurer, in presence of the Governor or Controller, at the State Capitol, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for redemption is exhausted; *provided, however*, in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in San Francisco and one at the capital of the State, for three months, which advertisements 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 such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then such fund shall remain in the Treasury to discharge such bonds whenever presented; but they shall

Duty of
County
Auditors.

Lien.

When
moneys to
be trans-
ferred to
General
Fund.

Advertis-
ing after
five years
for bids.

Readver-
tising.

draw no interest after the expiration of such publication. Before any of said bonds shall be paid they shall be presented to the Controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering.

Bonds not to draw interest after expiration of publication.

SEC. 11. The Treasurer shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this Act shall, at all times, be open to the inspection of any party interested, or the Governor, or the Attorney-General, or a committee of either branch of the Legislature, or a joint committee of both.

Treasurer to transmit abstract to Governor.

SEC. 12. It shall be the duty of the Treasurer to pay the interest on said bonds when the same falls due, out of said Interest Fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

Interest to be paid.

When warrant to be drawn.

SEC. 13. This Act shall take effect sixty days after the next general election, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, which shall take effect immediately.

When Act to take effect.

SEC. 14. This Act shall be submitted to the people of the State for their ratification at the next general election; and the qualified electors of this State shall, at said election, on their ballots for State officers, vote for or against this Act. Those voting for the same shall write or have printed on their ballots the words "Refund the Debt—Yes;" and those voting against the same shall write or have printed on their ballots the words "Refund the Debt—No."

To be submitted to people.

SEC. 15. The votes cast for and against this Act shall be counted, returned, and canceled, and declared in the same manner and subject to the same rules as votes cast for Treasurer of State; and if it appears that a majority of all the votes so cast for or against this law as aforesaid are in favor of this Act, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation hereof; but if a majority of the votes so cast are against this Act, then the same shall become void.

Counting of vote.

Proclamation of Governor.

SEC. 16. It shall be the duty of the Secretary of State to have this Act published in one newspaper in each county of this State for four successive weeks immediately preceding election.

Publication by Secretary of State.

CHAPTER CL.

An Act to amend section eleven hundred and eighty-one of the Civil Code of the State of California, as amended April 3, 1880, relating to the proof and acknowledgment of instruments.

[Approved March 31, 1891.]

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

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

Who may
take
proofs or
acknowledgments.

1181. The proof or acknowledgment of an instrument may be made in this State, within the city, city and county, county, or district for which the officer was elected or appointed, before either:

1. A Clerk of a Court of record; or,
2. A County Recorder; or,
3. A Court Commissioner; or,
4. A Notary Public; or,
5. A Justice of the Peace.

CHAPTER CLI.

An Act to amend an Act entitled "An Act to amend section three thousand four hundred and eighty-eight of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, three thousand four hundred and seventy-three, of said Political Code, relating to the reclamation of certain lands within certain municipalities," approved March 19, 1889.

[Approved March 31, 1891.]

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

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

3488. All swamp and overflowed, salt marsh, and tide lands within one mile of the State Prison at San Quentin, within the City and County of San Francisco, city of Oakland, or within five miles of the corporate limits of either, or within two miles of any incorporated city or town, except as to cities containing not less than twenty-five thousand nor more than thirty thousand inhabitants, are excluded from the operation of this chapter; *provided*, that the provisions of sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six,

What lands are excluded from provisions of this Act.

three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, three thousand four hundred and seventy-three of this chapter shall be applicable to any lands situated within the limits of any municipality in the State of California of the first class, namely, having a population of more than one hundred thousand, and also cities containing not less than twenty-five thousand nor more than thirty thousand inhabitants, which land is subject to overflow or incursions from the tide or inland waters of the State, in any manner; and districts may be formed, as in said sections provided, for the reclamation thereof, and said lands reclaimed thereunder. The duties provided for certain county officers in said sections shall be performed by the officers of such municipality, whatever may be their title, who usually perform like duties. The Trustees, or the owners indicated in section three thousand four hundred and seventy-three, shall have power to let any contract, and conduct the operations of reclamation in all respects, and to issue warrants therefor. The lands mentioned and described in "An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California," approved March thirtieth, eighteen hundred and sixty-eight, and in the Act supplemental and amendatory thereto, approved April first, eighteen hundred and seventy, must be disposed of as in such Acts provided, which are hereby continued in force.

Applicable to lands situated within limits of city of first class and others.

Duties of officers.

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

CHAPTER CLII.

An Act making an appropriation for the payment of the repairs upon the quarantine launch "Governor Perkins."

[Approved March 31, 1891.]

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

Appropriation for repairs to launch "Gov. Perkins."

SECTION 1. The sum of four thousand and thirty-four dollars and forty-one cents (\$4,034 41) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the repairs upon the quarantine steam launch "Governor Perkins," which launch is used for the purpose of protecting the sanitary condition of the State.

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

CHAPTER CLIII.

An Act to pay the claim of James W. Rankin, for services in the office of the State Treasurer of California, and appropriate money therefor.

[Approved March 31, 1891.]

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

SECTION 1. The sum of (2) two hundred and fifty dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay James W. Rankin, for services in the State Treasurer's office, during the period elapsing from November thirteenth, eighteen hundred and eighty-four, to December fifteenth, eighteen hundred and eighty-four, both dates inclusive, under appointment by Governor George Stoneman, on account of the delinquencies of Arthur January, Deputy State Treasurer.

Appropriation to pay J. W. Rankin.

SEC. 2. This Act shall be exempt from the provisions of section six hundred and seventy-two of the Political Code of California.

SEC. 3. The Controller is hereby directed to draw his warrant on the State Treasurer for said sum of two (2) hundred and fifty dollars in favor of James W. Rankin, and the State Treasurer is hereby directed to pay the same.

SEC. 4. This Act shall take effect immediately.

CHAPTER CLIV.

An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages.

[Approved March 31, 1891.]

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

SECTION 1. Any and all persons engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages in bottles, siphons, or kegs, with his, her, its, or their name or names, or other marks or devices branded, stamped, engraved, etched, and blown, impressed, or otherwise produced upon such bottles, siphons, or kegs, or the boxes used by him, her, it, or them, may file in the office of the Clerk of the county in which his, her, its, or their principal place of business is situated, and

Proprietors to file with County Clerk and Secretary of State a description of names, marks, etc.

also in the office of the Secretary of State, a description of the name or names, marks or devices, so used by him, her, it, or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

Unlawful for any one to fill said bottles.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or with medicine, compounds, or mixtures, any bottle, box, siphon, or keg, so marked or distinguished, as aforesaid, with or by any name, mark, or device of which a description shall have been filed and published, as provided in section one of this Act, or deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, or device thereon, or to sell, buy, give, take, or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, box, siphon, or keg so filled, trafficked in, used, or handled as aforesaid. Any person or persons or corporation offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment not less than ten days nor more than six months, or by a fine of fifty cents for each and every such bottle, box, siphon, or keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment; and for each subsequent offense by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars, for each and every bottle, box, siphon, and keg so filled, sold, used, disposed of, bought, or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

Or to deface, erase, etc., name and mark.

Misdemeanor.

Penalty.

Subsequent offenses.

Use of bottles, etc., presumptive evidence that said use is unlawful.

X

SEC. 3. The use by any person other than the person or persons, corporation or corporations, whose device, name, or mark shall be or shall have been upon the same, without such written consent or purchase, as aforesaid, of any such mark or distinguished bottle, box, siphon, or keg, a description of the name, mark, or device whereon shall have been filed and published, as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, compounds, or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using, disposing of, or trafficking in of any such bottles, boxes, siphons, or kegs, by any person other than said persons or corporations having a name, mark, or device thereon, or such owner, without such written consent, or the having by any junk dealer, or dealer in second hand articles, possession of any such bottles, boxes, siphons, or kegs, a description of the marks, names, or devices

wherein shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the said unlawful use, purchase, or traffic in of such bottles, boxes, siphons, or kegs.

SEC. 4. Whenever any person, persons, or corporations, mentioned in section one of this Act, or his, her, it, or their agent, shall make oath before any magistrate that he, she, or it has reason to believe, and does believe, that any of his, her, or their bottles, boxes, siphons, or kegs, a description of the names, marks, or devices whereon has been so filed and published, as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling soda, mineral, or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, and other beverages, or that any junk dealer, or dealer in second hand articles, vender of bottles, or any other person or corporation, has any such bottles, boxes, siphons, or kegs, in his, her, or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, or kegs may be found, and then inquire into the circumstances of such possession; and if said magistrate finds that such person has been guilty of a violation of section two of this Act, he must impose the punishment therein prescribed, and he shall also award possession of the property taken upon such search warrant to the owner thereof.

On oath before magistrate, a search warrant may issue.

Magistrate to impose punishment.

SEC. 5. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned in section one of this Act, a description of the name or names, marks or devices, upon his, her, their, or its property therein mentioned, and has caused the same to be published according to the laws existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this Act.

Refiling of marks heretofore filed not required.

SEC. 6. All Acts and parts of Acts inconsistent herewith are, for the purpose of this Act, hereby repealed.

CHAPTER CLV.

An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines in the State of California.

[Approved March 31, 1891.]

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

SECTION 1. Whenever any mine owner, company, or corporation shall have performed the labor and made the improvements required by law for the location and ownership of mining

Affidavit to be filed with County Recorder.

claims or lodes, such owner, company, or corporation shall file or cause to be filed, within thirty days after the time limited for performing such labor or making such improvements, with the County Recorder of Deeds of the county in which the mine or claim is situated, particularly describing the labor performed and improvements made, and the value thereof, which affidavit shall be prima facie evidence of the facts therein stated.

Failure to do this opens mine to relocation.

Upon the failure of any claimant or mine owner to comply with the conditions of this Act in the performance of labor, or making of improvements upon any claim, mine, or mining ground, the claim or mine upon which such failure occurred shall be opened to relocation in the same manner as if no location of the same had ever been made. But if, previous to relocation, the original locators, their heirs, assigns, or legal representatives, resume work upon such claim, and continue the same with reasonable diligence until the required amount of labor has been performed or improvements made, and the required statement of accounts and affidavits filed with the County Recorder, then the claim shall not be subject to relocation because of previous failure to file accounts. Upon the failure of any one of the several coöwners to contribute his portion of the expenditures required hereby, the coöwners who have performed the labor or made the improvement may, at the expiration of the year, give such delinquent coöwner personal notice, in writing, or by publication in the newspaper published nearest the claim, for at least once a week for ninety days; and if, at the expiration of ninety days after such notice in writing or publication, such delinquent shall fail or refuse to contribute his portion of the expenditures required by this section, his interest in the claim shall become the property of his coöwners who made the required expenditures. A copy of such notice, together with an affidavit showing personal service or publication, as the case may be, of such notice, when filed or recorded with the Recorder of Deeds of the county in which such mining claim is situated, shall be evidence of the acquisition of title of such coöwners.

Coöwners may perform work upon failure of one of their number, and his interest shall become their property

Tunnels and cuts made in good faith.

Where a person or company has or may run a tunnel or cuts for the purpose and in good faith for the purpose of developing a lode, lodes, or claims owned by said person, or company, or corporation, the money so expended in running said tunnel shall be taken and considered as expended on said lodes or claims; *provided further*, that said lode, claim, or claims shall be distinctly marked on the surface as provided by law.

Rights of way reserved.

SEC. 2. All mining locations and mining claims shall be subject to a reservation of the right of way through or over any mining claims, ditches, roads, canals, cuts, tunnels, and other easements for the purpose of working other mines; *provided*, that any damage occasioned thereby shall be assessed and paid for in the manner provided by law for land taken for public use under the right of eminent domain.

Damages.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLVI.

An Act to appropriate money to pay the claim of William Gutenberg, for the loss of tools and property destroyed at the Branch State Prison at Folsom.

[Approved March 31, 1891.]

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

SECTION 1. The sum of one thousand six hundred and forty-five dollars is hereby appropriated out of any money not otherwise appropriated in the State Treasury, to pay the claim of William Gutenberg, for loss sustained by the destruction of mechanics' tools and property of said William Gutenberg at the Branch State Prison at Folsom.

SEC. 2. The Controller of State is hereby directed to draw his warrant upon the State Treasurer in favor of William Gutenberg for the sum of one thousand six hundred and forty-five dollars, and the State Treasurer is hereby directed to pay the same, exempt from the provisions of section six hundred and seventy-two of the Political Code.

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

CHAPTER CLVII.

An Act to determine that lands of this State are swamp and overflowed when returned as such by the United States Surveyor-General.

[Approved March 31, 1891.]

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

SECTION 1. Lands within this State which have been or may hereafter be returned by the United States Surveyor-General as swamp and overflowed lands, and shown as such on approved townships plats, shall, as soon as patents have been or may be issued therefor by this State, be held to be of the character so returned; *provided, however,* that nothing herein contained shall be construed to affect the rights of any homestead or preëmption settler claiming under the laws of the United States, nor shall it affect any suit now pending in any Court as between the parties thereto; *provided,* that nothing contained in this Act shall be construed to prejudice the rights of any settler now or hereafter located upon said lands to perfect title to the same, if permitted under existing laws.

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

Claim of William Gutenberg.

What lands are swamp and overflowed.

Not to affect certain parties.

Rights of settlers.

CHAPTER CLVIII.

An Act making an appropriation for reimbursing the Japanese Government for moneys expended in the extradition of Calvin Pratt, a fugitive from the justice of this State, and to provide for transmitting the same to Japan.

[Approved March 31, 1891.]

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

Expense of
extradition
of Calvin
Pratt
allowed.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to reimburse his Imperial Japanese Majesty's Government the sum of nine hundred and twenty dollars and twenty cents, expended in the extradition of one Calvin Pratt, a fugitive from the justice of this State, and to pay the expenses of transmitting the money to the Treasury Department of Japan.

Agent to
receive
same.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of his Imperial Japanese Majesty's Government for the sum of nine hundred and twenty dollars and twenty cents, and deliver the same to any authorized agent of said Government, who, after transmitting the same to the Treasury Department of Japan, shall certify to the State Board of Examiners the amount of expenses incurred by him in such transmission, and upon approval of such statement by the Board, the Controller shall draw his warrant in favor of such agent for the sum approved by the Board of Examiners, out of the appropriation herein provided, and the State Treasurer is hereby directed to pay these warrants.

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

CHAPTER CLIX.

An Act to authorize the State Prison Directors of the State of California to employ any unemployed prisoners to construct roads to the State Prison at San Quentin.

[Approved March 31, 1891.]

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

Authorizing
road to
be built to
Point
Tiburon.

ARTICLE 1. The State Prison Directors of the State of California are hereby authorized, during the two years next succeeding the passage of this Act, to employ any unemployed prisoners in the construction of one or more public roads from the San Quentin State Prison to Point Tiburon, in Marin County.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLX.

An Act making an appropriation to pay the deficiency in the appropriation for support of Insane Asylum at Stockton, for the fortieth fiscal year, ending June 30, A. D. 1889.

[Approved March 31, 1891.]

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

SECTION 1. The sum of eleven thousand five hundred and fifty-seven and thirty-two one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for support of Insane Asylum at Stockton (as approved by the State Board of Examiners), for the fortieth fiscal year.

Deficiency at Stockton Insane Asylum.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXI.

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

[Approved March 31, 1891.]

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

SECTION 1. Whenever twenty-five persons in any county of the State shall desire the formation of a sanitary district within the county, they may present to the Board of Supervisors of such county a petition, in writing, signed by them, stating the name of the proposed district, and setting forth the boundaries thereof, and praying that an election be held as provided by this Act. Each of the petitioners must be a resident and freeholder within the proposed district.

How sanitary district is formed.

SEC. 2. When such petition is presented as above provided, the Board of Supervisors must, within thirty days thereafter, order that an election be held as provided by this Act. The order must fix the day of such election, which must be within

Election ordered.

sixty days from the date of the order, and must show the boundaries of the proposed district, and must state that at such election persons to fill the offices provided by this Act, viz.: a Sanitary Assessor, and five members of the Sanitary Board, will be voted for. This order shall be entered in the minutes of the Board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signature and presentation of such petition, a resident and freeholder within the limits of the proposed district.

Minutes of Board conclusive evidence.

SEC. 3. A copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

Publication of notice.

SEC. 4. The Board of Supervisors, at any time prior to the election, shall select one polling place within the proposed district, and make all suitable arrangements for the holding of such election. The tickets shall contain the words "For a Sanitary District," or "Against a Sanitary District," as the case may be, and the name of a person for Sanitary Assessor, and the names of five persons for members of the Sanitary Board. Such election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the Board of Supervisors shall make and cause to be entered in the minutes an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this Act or by law, and of the existence and validity of the district. If a majority of the votes cast shall be against a sanitary district, the Board shall, by order, so declare; no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of the petition.

Polling places.

What tickets shall contain.

Who may vote.

Duty of Board of Supervisors.

Seal.

SEC. 5. Every sanitary district formed under the provisions of this Act shall have power to have and use a common seal, alterable at the pleasure of the Sanitary Board; to sue and be sued by its name; to construct and maintain and keep clean such sewers and drains as in the judgment of the Sanitary Board shall be necessary or proper, and for this purpose to acquire, by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the Sanitary Board shall be necessary or proper, and

Sue and be sued.

Acquire property.

to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of every kind which, in the judgment of the Sanitary Board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds, or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewer and drains in any public street or road of the county, and for this purpose to enter upon the same and make all necessary and proper excavations, restoring the same to proper condition, but in case such street or road shall be in an incorporated city or town, the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage and the cleanliness of the roads and streets of the district, and for the purpose of guarding against the spread of contagious and infectious diseases, and for the isolation of persons and houses affected with such diseases, and for the notification of the other inhabitants of the existence thereof, and all other sanitary regulations not in conflict with the Constitution and laws of the State; to impose fines, penalties, and forfeitures for any and all violations of its regulations and orders, and to fix the penalty thereof by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as is otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers and drains; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purpose for which it was formed.

Make contracts.

Issue bonds.

Use streets and roads.

Garbage.

Contagious and infectious diseases.

Fines and penalties.

To compel connections to be made.

SEC. 6. The officers of the district shall be a Sanitary Assessor and five members of the Sanitary Board.

Officers.

SEC. 7. There shall be an election for Sanitary Assessor on every even numbered year in which members of the Sanitary Board are elected, and at the same time, place, and manner; and the person then elected shall hold office for two years next thereafter, and until the election and qualification of his successor. The person elected Assessor at the election at which the district was formed shall hold office until the election and qualification of his successor; *provided*, that if at any time a vacancy occur in the office of Assessor, the Sanitary Board shall appoint a suitable person to fill such vacancy until the next election at which an Assessor may be elected under the provisions of this Act.

Sanitary Assessor.

Term of office.

Duty of
Sanitary
Assessor.

SEC. 8. It shall be the duty of the Sanitary Assessor to make out, before the first Monday in July of each year, a list of all the tangible real and personal property within the district. Such list shall contain a brief and general description of the property, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the Sanitary Board, and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon. No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The Sanitary Assessor shall verify said list by his oath before some officer authorized to administer oaths, and shall deposit the same with the Sanitary Board on the first Monday of July of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as Assessor, and shall receive such compensation as shall be fixed by the order of the Board. He shall also perform such further duties and do such further acts as may be ordered or required by the Sanitary Board.

Mistakes.

Power to
administer
oaths.

Election
for mem-
bers of the
Board.

SEC. 9. There shall be an election for two members of the Sanitary Board in every even numbered year, beginning with the second even numbered year after the election at which the district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even numbered year; and there shall be an election for three members of the Sanitary Board in every odd numbered year, beginning with the second odd numbered year after the election at which the district was organized, and the three members then to be elected shall hold office until the election and qualification of their successors in the next odd numbered year. The five members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the second even numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this Act, and three of them in the second odd numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this Act. All elections for officers after the formation of the district shall be on the first Monday after the first Tuesday in the month of March. The members of the Sanitary Board shall receive no compensation whatever, either for general or special services.

Classifica-
tion of first
Board.

Date of
election.

President
and
Secretary.

SEC. 10. The Sanitary Board shall be the governing power of the district, and shall exercise all the powers thereof, except the making of an assessment list in the first instance, as herein provided. At its first meeting, or as soon thereafter as may be practicable, the Board shall choose one of its members

as President, and another of its members as Secretary. And all contracts, deeds, warrants, releases, receipts, and documents of every kind shall be signed in the name of the district by its President, and shall be countersigned by its Secretary. The Board shall hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the President or Secretary, the Board shall, by order entered upon the minutes, choose a President pro tem., or Secretary pro tem., or both, as the case may be.

Meetings.

SEC. 11. The Sanitary Board shall sit as a Board of Equalization as soon as it receives the Assessor's list, or as soon thereafter as practicable, and shall continue in session as such Board, with convenient intermissions, until the entire list furnished by the Assessor shall have been examined and rectified, if rectification be necessary. The Board shall have power to hear complaints as to the proceedings of the Assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the Board. After the examination and rectification of the Assessor's list shall have been completed, the Board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund, and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation, the Sanitary Board shall cause the Assessor to compute the amount of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the Assessor and signed by the President and Secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply; but no more than seventy-five thousand dollars of bonds shall be voted for or issued at any one time, nor shall the bonded indebtedness of the district ever exceed the sum of seventy-five thousand dollars at any one period, whether it be made up of one issue of bonds or of several issues.

Board of Equalization.

Rate of taxation.

Assessment list.

Lien.

\$75,000 in bonds the limit.

SEC. 12. On or before the first Monday in July of each year, the Board shall transmit, or cause the Assessor to transmit, a duplicate of the list so made to the Tax Collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and

Duty of Tax Collector.

all the provisions of the laws of the State as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said Tax Collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed on him by this Act; *provided*, that the Sanitary Board may, in its discretion, direct the District Attorney of the county to commence and prosecute suits for the collection of the whole, or any portion, of the delinquent taxes; and it shall be the duty of the District Attorney to carry out such directions of the Sanitary Board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this Act; *and provided further*, that the Sanitary Board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. All money collected for sanitary purposes by the District Attorney under this Act shall be at once paid to the County Treasurer.

Duty of
District
Attorney.

Duty of
County
Treasurer.

SEC. 13. The Tax Collector shall pay over to the County Treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said Treasurer shall keep the same in the County Treasury, as follows: In a fund called the Bond Fund of Sanitary District (naming it) he shall place and keep the moneys levied by the Sanitary Board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, so long as any such bonds shall be unpaid; in a fund called the Running Expense of Sanitary District (naming it) he shall place and keep the moneys levied by the Sanitary Board for such fund. The whole or any part of the money in the Running Expense Fund may be transferred to the Bond Fund, or to the other fund hereinafter provided for, upon the order of the Sanitary Board, and it shall be the duty of the Treasurer to comply with such order. The Treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the Sanitary Board, signed by the President and countersigned by the Secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the Sanitary Board. The Treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. The Treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this Act. The Treasurer shall keep the money arising from the sale of bonds in the fund hereinafter mentioned.

Manner of
paying out
money.

Liability of
Treasurer.

SEC. 14. At any time after the district is organized, the Sanitary Board may, by order entered in the minutes, call

an election for the purpose of determining whether bonds shall be issued for the construction of sewers. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within the district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week.

What order of election shall contain.

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

Provisions for an election.

Disposition of ballots.

Two-thirds vote necessary.

Sec. 16. Such bonds shall be in sums of one thousand dollars each, payable in gold coin of the United States, and shall bear interest at the rate of five per cent per annum, payable semi-annually, at dates to be fixed by the Board, and specified, respectively, in the bonds and coupons, payable in like gold coin. The principal of each bond shall be payable in installments of one twentieth of the face of the bond, and one of such installments shall fall due at the end of each year, so that the whole principal shall be paid in twenty years from the issuance of the bond. Each bond shall refer to this Act by its title and the date of its approval by the Governor, and shall be payable to bearer; but every person into whose hands any bond or coupon shall come shall be deemed to have notice of any and all payments that have actually been made thereon. Each bond shall be signed by the President and countersigned by the Secretary of the Sanitary Board. The bonds shall be numbered consecutively, beginning with the number one. Each coupon shall refer to its

Description of bonds.

bond by number, and shall be signed by the President and countersigned by the Secretary. No bond shall be redeemed before it is due without the consent of the holder thereof, nor shall the rate of interest on any bond be reduced or the bonds be refunded without the consent of the holder thereof. When any payment of any installment of interest is made, the coupon therefor is directed to be surrendered to the County Treasurer and to be canceled by him; and when any installment of principal is paid, such payment is directed to be indorsed upon the bond by such Treasurer; and when the whole principal of any bond is paid, the bond is directed to be surrendered to the Treasurer and to be by him canceled. The bonds must be disposed of by the Sanitary Board in such manner and in such quantities as may be determined by said Board, in its discretion, but no bond must be disposed of for less than its face value. The proceeds of such sales shall be deposited with the County Treasurer, and shall be by him placed in a fund to be called the Sewer Construction Fund of — Sanitary District (naming it). The money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purpose; *provided*, that if after such purposes are entirely fulfilled, any balance remain in such fund, such balance may, upon the order of the Sanitary Board, be transferred to either of the other funds provided by this Act. If the result of the election be against the issuance of bonds, no other election upon the question shall be called or held for the period of one year.

How bonds
are dis-
posed of.

Second
election
not within
one year.

Tax levy.

SEC. 17. It is hereby made the duty of the Sanitary Board to levy, each year, upon the property within the district, a sufficient tax to pay off the interest accruing upon said bonds for the respective year, as it falls due, and also to pay one twentieth of the principal of said bonds, so that the entire amount of principal and interest of said bonds shall be paid within twenty years from the date of the issuance of said bonds; and it is hereby made the duty of the Tax Collector, or such other person as may be charged with the duty of collecting the sanitary taxes, to collect the said taxes so to be levied, and the duty of the Sanitary Board to order the same to be paid, in manner and form as provided by this Act, and the duty of the County Treasurer to pay the same. If, for any reason, any portion of the tax for any year remains unpaid, and in consequence thereof any portion of the interest or principal due for any year remains unpaid, the same shall be added to the levy for the next year, and be collected and paid accordingly. The payment of the whole amount of the principal and interest of all of said bonds, within twenty years from their issuance, is hereby made the imperative duty of the district; and, if necessary for that purpose, a special tax shall be levied; and it is hereby made the duty of every officer and Board to do his respective part towards the levy, collection, and payment of such tax; and mandamus shall issue from the Superior Court of the county in which the district is situated, or from any other competent Court, upon application of any party interested, for the purpose of compel-

Delin-
quencies.

Special
tax.

Man-
damus.

ling the performance of the duty imposed by this Act upon any and all officers or Boards.

SEC. 18. If the result of any election upon the question of the issuance of bonds be in favor of such issuance, the Sanitary Board may, in their discretion, before such issuance, commence, in the Superior Court of the county, a special proceeding to determine their right to issue such bonds and the validity thereof, similar to the proceeding in relation to irrigation bonds, provided for by an Act entitled "An Act supplemental to an Act entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act;" and all the provisions of said Act shall apply to and govern the proceedings so to be commenced by the Sanitary Board, so far as the same are applicable; and said proceedings shall be in accordance with the provisions of said Act, so far as the same are applicable, and the judgment in such proceedings shall have the same effect as a judgment in relation to irrigation bonds under the provisions of said Act.

Action in Superior Court to determine the right to issue bonds.

SEC. 19. Any general regulation of the Sanitary Board shall be by order entered in the minutes, but such order shall be published once a week for one week in some newspaper published within the district, if there be one, and if there be no such newspaper, then such order shall be posted for one week in three public places within the district. A subsequent order of the Board that such publication or posting has been duly made shall be conclusive evidence that such publication or posting has been properly made. Orders not establishing a general regulation need not be published or posted (unless otherwise provided by this Act), but shall be entered in the minutes, and the entry shall be signed by the Secretary of the Board. A general regulation shall take effect immediately upon the expiration of the week of publication or posting thereof. An ordinary order shall take effect upon the entry in the minutes.

General regulations to be published.

SEC. 20. The Board may instruct the District Attorney of the county to commence and prosecute any and all actions and proceedings necessary or proper to enforce any of its regulations or orders, and may call upon said District Attorney for advice as to any sanitary subject; and it shall be the duty of the District Attorney to obey such instructions and to give advice when called on by the Board therefor. The Board may at any time employ special counsel for any purpose. All fines for the violation of any regulation or order of the Sanitary Board shall, after the expenses of the prosecution are paid therefrom, be paid to the Secretary of the Board, who shall forthwith deposit the same with the County Treasurer, who shall place the same in the Running Expense Fund of the district.

When such regulations take effect.

District Attorney to give advice on any sanitary subject.

Disposition of fines.

Dissolu-
tion of
district.

Disposi-
tion of
property.

Debt must
be paid.

Sewers
may be
built by
owners of
frontage.

SEC. 21. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof, upon an election called by the Sanitary Board upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, the property of the district shall vest in any incorporated city or town that may at said time be in occupation of a considerable portion of the territory of the district, and if there be no such incorporated city or town, then the property shall be vested in the Board of Supervisors of the county until the formation of such a city or town; *provided, however,* that if at the time of such election to dissolve such district, there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such indebtedness. And from the time such district is thus dissolved, until such bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the legislative authority of said incorporated city or town, or the Board of Supervisors, if there be no such incorporated city or town, is hereby constituted ex officio the Sanitary Board of such district. And it is hereby made obligatory upon such Board to levy such taxes, and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, and the interest thereon, as herein provided.

SEC. 22. The Sanitary Board shall have power, at any time after main sewers or other sewers are laid, to order and contract for the construction of a sewer in any street of the district where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer so ordered; and in case such order is made, the said cost shall be assessed on the lots and lands fronting on such sewer, according to the provisions of the general law of the State in relation to street improvements in incorporated cities and towns, in force at the time such assessment is made, so far as the same shall be applicable; and the lien of the assessment so made shall be enforced by action to be brought by the District Attorney of the county, in the name of the sanitary district; *provided,* that nothing in this section contained shall be construed to take away or impair the power of the Board to provide that the expenses of the sewers above provided for shall be borne by the whole district, as in other cases.

SEC. 23. All Acts and parts of Acts in conflict with this Act, or any portion thereof, are hereby repealed.

SEC. 24. This Act shall take effect immediately.

CHAPTER CLXII.

An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

[Approved March 31, 1891.]

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

SECTION 1. Section five of an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners," is hereby repealed. Amend-
ment to
waterfront
Act.

SEC. 2. Section nine of an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners," approved March seventeenth, eighteen hundred and eighty, is hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIII.

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

[Approved March 31, 1891.]

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

SECTION 1. Section eight hundred and sixty-two of article three, chapter seven, of said Act, be and the same is hereby amended so as to read as follows:

Section 862. The Board of Trustees of said city shall have power: Power of
Boards of
Trustees
of the city.

1. To pass ordinances not in conflict with the Constitution and laws of this State or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any waterfront. As to
property.

Water supply.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or its inhabitants, or for irrigating purposes therein.

Bridges, roads, and improvements thereon.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city or town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

Sewers.

5. To construct, establish, and maintain drains and sewers.

Fire engines.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

Poll tax.

7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such city.

Dog license.

8. To impose and collect an annual license not exceeding two dollars on every male dog and four dollars on every female dog owned or harbored within the limits of the city.

Property tax.

9. To levy and collect annually a property tax, which said tax shall be apportioned as follows: For the General Fund, which shall include the fund for street work, not exceeding fifty cents on each one hundred dollars; for the Sewer and Water Fund, not exceeding fifteen cents on each one hundred dollars.

License shows, games, etc.

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that any license taxes collected under a city ordinance shall be collected by the City or Town Marshal, and paid into the City or Town Treasury for the use of the city or town in which it is collected.

To improve rivers and streams, and construct embankments.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the waterfront of the city; to construct and maintain embankments and other works to protect such city from overflow, and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city, or contiguous thereto, wharves, chutes, piers, breakwaters, bath houses, and life-saving stations.

12. To erect and maintain buildings for municipal purposes.

Street railways, telephones.

13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works

for light and heat, public libraries, museums, gymnasiums, and baths; and to permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein. Railways.

14. To impose fines, penalties, and forfeitures for any and all violation of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months. Fines and penalties.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

16. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

CHAPTER CLXIV.

An Act to provide for funding the indebtedness of Levee District Number Six, of Sutter County, and to provide for the payment of such funded debt.

[Approved March 31, 1891.]

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

SECTION 1. The Board of Directors of Levee District Number Six, of Sutter County, are hereby authorized and empowered to prepare and provide bonds of said levee district, not exceeding the aggregate amount of fifteen thousand dollars, for the purpose of providing funds for the payment of funding the indebtedness of said levee district. Levee District No. 6 to issue bonds.

SEC. 2. The bonds shall designate the levee district by its corporate name; shall be issued in sums of not less than one hundred dollars; shall be made payable in twenty years after date; shall bear interest at the rate of six per cent per annum, interest payable annually on the first day of July of each year. The principal and interest shall be payable in United States gold coin at the office of the County Treasurer of Sutter County. The bonds shall be numbered consecutively, and bear the same date, although issued at different times; shall be signed by the Chairman of the Board of Directors and countersigned by the Auditor of Sutter County, and shall express on their face that they are issued by authority of this Act, stating its title and date of approval. Coupons for the interest shall be so attached to each bond that they may be detached without mutilating the bond, each of which coupons shall be signed by the Chairman of the Board of Directors. Description of bonds. Coupons.

How to
be sold.

SEC. 3. The bonds, or any part thereof, may be sold under the direction of the Board of Directors to the person or persons who will pay the highest price therefor; *provided*, that no bond shall be sold for less than par in gold coin, and the purchaser whose bid shall be accepted shall pay the County Treasurer, to the credit of said district, the amount of such bid in gold coin, and the Treasurer shall receipt for the same; and such purchaser shall, upon delivery of such receipt to the County Auditor, be entitled to receive the bonds so purchased; *provided*, that before delivery of such bonds the Auditor shall detach therefrom all coupons for accrued interest; *provided further*, that the Board of Directors are hereby authorized and required to apply said bonds, valued at par, to the funding, by receiving in exchange at par all outstanding warrants which have been legally issued against said levee district, with interest on such warrants from date of their registration. In such funding, interest shall be allowed on such warrant to the first of July next ensuing, and the Auditor shall remove from the bond, before delivery, all coupons for accrued interest to that date, which coupon shall be marked as canceled by adding the word "unpaid."

Applica-
tion of
bonds.

Records.

SEC. 4. It shall be the duty of the Auditor and Treasurer each to keep a separate record of all bonds issued under the authority of this Act, showing the date of issue, the number, amount, to whom issued, and whether for coin or for funding, with a description of the warrants funded.

Tax levy.

SEC. 5. Said Levee Directors shall annually, and at the time of levying the taxes for other purposes of said district, levy a tax, in addition to all other taxes levied for said district, sufficient in amount to provide for the payment of the interest on the outstanding bonds of said district, and after two years an amount sufficient to pay one eighteenth of the principal of all bonds then sold and outstanding against said district; *provided*, that no bonds shall be sold hereunder after the payment of the second year's interest.

SEC. 6. The funds levied and collected as provided in the preceding section, for the payment of the principal and interest, shall not be appropriated to any other purpose whatever.

Interest
paid
annually.

SEC. 7. The Treasurer of Sutter County shall, on the first day of July each year, pay the interest falling due on the bonds issued under this Act out of the money for that purpose in his possession. Whenever there is in his hands any sum exceeding (\$200) 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 the interest or sinking fund of said district, he shall advertise in some public manner, to be prescribed by the Directors of said district, for 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 bonds shall be redeemed at more

Proposals
for bonds.

than par; *provided further*, that if proposals are not offered at par, or less, sufficient to exhaust the amount on hand applicable to redemption, the Treasurer shall publish for ten days, in a daily newspaper published in San Francisco having general circulation in the State, that he will redeem bond or bonds of said district, commencing with the highest number and giving the amounts, and that at the expiration of thirty days from the date of the notice, if said bonds are not presented for redemption, the interest thereon will close, from and after which time no interest shall be allowed on such bonds. All bonds redeemed shall be by the Treasurer marked "paid," and delivered to the Auditor for cancellation.

Publica-
tion of
notice.

SEC. 8. This Act shall take effect immediately.

CHAPTER CLXV.

An Act authorizing the Controller and Treasurer to transfer to the General Fund all moneys now in the State Drainage Construction Fund, and also, from time to time, to transfer to the General Fund all moneys that may hereafter be paid into the State Drainage Construction Fund.

[Approved March 31, 1891.]

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

SECTION 1. The Controller is hereby authorized to transfer to the General Fund all moneys standing to the credit of the State Drainage Construction Fund, and also, from time to time, to transfer to the General Fund all moneys that may hereafter be paid into the State Drainage Construction Fund.

Transfer
of State
Drainage
Construc-
tion Fund.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXVI.

An Act to define the boundary and provide for the government of Levee District Number Six, of Sutter County, California.

[Approved March 31, 1891.]

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

SECTION 1. All that certain territory in Sutter County, California, bounded as follows, to wit: Beginning at a point on the

Territory included in Levee District No. 6, in Sutter County.

line of the levee, on the east side of Feather River, where the line between the lands of D. H. Redfield and of the estate of N. Algiers (as said lands were owned in the year eighteen hundred and seventy-one) intersects said levee; thence southeasterly, along said dividing line, to the southeasterly corner of said Redfield's land; thence southwesterly and south, following the westerly boundary of Levee District Number Two to the center of section twenty-five, in township twelve north, range three east; thence east forty chains to the quarter section corner on range line, between ranges three and four east; thence south one hundred and twenty chains to the north bank of Auburn Ravine; thence southwesterly, following said Auburn Ravine, to the point where the line between sections one and twelve in township eleven north, range three east, intersects said ravine; thence west, about one hundred and twenty chains, to the corner common to sections two, three, ten, and eleven, in township eleven north, range three east; thence north twenty chains; thence west, about one mile, to the east bank of said Feather River; and thence up said Feather River, following the bank of the same and the westerly line of said levee, to the place of beginning, containing six thousand seven hundred and twenty-five acres, is hereby set apart and erected into a levee district, to be known as Levee District Number Six, of Sutter County.

Election.

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 at a point to be designated by said Board within the boundaries of said Levee District Number Six, for the purpose of electing three Directors, one Assessor, and one Tax Collector for said Levee District Number Six. Notices of such election must be posted in three public places in said district for ten days before election; said notices shall name the time and place of election, the name of the offices to be filled, and also one Inspector and two Judges of Election. At said election none shall be permitted to vote except the qualified electors of the district. Said election shall be by ballot. The returns, in accordance with the general election law now in force, shall be made to the Board of Supervisors of said county, which Board of Supervisors shall meet on the first Monday after said election and canvass the said returns and declare the result, and the County Clerk shall issue certificates of election to the persons so declared elected.

Notices.

Certificate of election.

Classification of Board of Directors.

SEC. 3. The Directors shall, each, within ten days after receiving a certificate of 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 ninety-two, another on the first Monday of March, eighteen hundred and ninety-three, and another on the first Monday of March, eighteen hundred and ninety-four. At said first meeting they shall elect a Chairman and a clerk from their number, and a majority shall be a quorum for transaction of business. The Board of Directors are hereby constituted and declared to be the legal representatives and successors of the Board of Supervisors of

Duty of Directors.

Sutter County, in all matters pertaining to Levee District Number Six, and they are hereby authorized to take absolute charge, control, and possession of the levees of said District Number Six, and to construct any other levees or works of protection that they may deem necessary or proper to protect any property in said District Number Six, and to repair and strengthen the same; to make rules and regulations for keeping said levees in proper condition; to examine them in person, at all times; guard them against breaks; 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 pertaining to said District Number Six heretofore devolving on or invested in the said Board of Supervisors, except as herein otherwise provided. All bills and accounts against said District Number Six, either for valid contracts or just claims, shall be presented to said Board of Directors, and be by them approved or rejected; upon such approval, the clerk of said Board of Directors shall draw his warrant upon the County Treasurer for the amount of any account thus allowed, and the Treasurer is hereby authorized to pay warrants so drawn, out of any money in the fund of Levee District Number Six not set apart for the payment of other indebtedness of the 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.

Bills and accounts.

SEC. 4. The term of office of Directors is three years, except as provided in section three hereof, and of Assessor and Tax Collector two years. 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 for the unexpired term. Should a vacancy occur in the office of Assessor and Tax Collector, it shall be filled by a special election, to be conducted in all respects as elections provided for in the next section hereof.

Terms of offices.

SEC. 5. All elections, after the first herein provided for, for the election of officers of said District Number Six, shall be held on the second Tuesday of December of each year, and the terms of the officers elected shall commence on the first Monday of March next ensuing; the Board of Directors are hereby required to post notices of such election in three public places in said District Number Six, for ten days before election. Said notices shall specify the time and place of election, the offices to be filled, and name one Inspector and two Judges of Election. Said election shall be by ballot, and the polls shall be kept open from one o'clock to five o'clock p. m. Returns, as hereinbefore provided, shall be made to the said Board of Supervisors, who shall, on the first Monday of January next ensuing, canvass said returns, and the County Clerk shall issue certificates as provided in section two hereof.

Annual elections.

Notices thereof.

Returns.

SEC. 6. Every officer elected hereunder shall, before entering upon the duties of his office, take the usual oath of office and file the same in the County Clerk's office. Within thirty days after his election, said Assessor and Tax Collector shall

Oath of office.

Bonds. enter into proper bonds, in an amount to be fixed by the said Board of Directors, payable to said Levee District Number Six, conditioned for the faithful performance of his duties. Said bonds shall be approved by and filed with said Board of Directors. All officers shall hold until their successors are elected or appointed and qualified. Said Assessor and Collector shall have, while in the discharge of their duties, all the powers and authority given by law, respectively, to County Assessors and Tax Collectors.

District Assessor. SEC. 7. It shall be the duty of the District Assessor, between the first Monday of March and the first Monday of July of each year, to assess all the real and personal property which was in the district on the first Monday of March of that year, at noon, and enroll the same in separate columns of the assessment roll to be prepared by him, and when completed to deliver the same to said Board of Directors.

Public inspection of assessment roll. 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 for at least ten days, that said assessment roll is in their possession and open for inspection, and that they will sit as a Board of Equalization, commencing on a day and at a place to be named in said notices, and will continue to sit from day to day until such equalization is completed, and will hear and determine all complaints as regards valuations and assessments thereon. The Board of Equalization shall have power to determine all complaints and objections that may come before them, and may increase or lower assessments and valuations as to them may seem proper, at an adjourned session for that purpose, upon five days' personal notice to the person in possession of the property. The clerk shall note all alterations made in valuations or assessments, and within three days after the completion of equalization 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:

Interest. *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 Number Six.

Repairs. *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 taxpayers of the district.

Salaries. *Third*—The amount needed for salaries, fees, and delinquencies.

Debt. *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 taxpayer, 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 are 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 powers to make collection of taxes by sale and conveyance of real estate as is or may be hereafter conferred on the County Tax Collector. The taxes levied and collected by virtue of this Act shall be paid into the County Treasury and placed to the credit of said Levee District Number Six, and shall thereafter be paid out 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 is provided by general law for the settlement of the County Tax Collector with the County Auditor.

Duty of
Tax
Collector.

Settlement
with clerk.

SEC. 10. Upon the 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 and principal that may become due during the current year on any bonded debt of said District Number Six, and pay the same out as may be provided in the law authorizing such bonded debt. He shall next pay out of such money, in the order of their issuance, the warrants drawn as hereinbefore provided.

Duty of
Treasurer.

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 of Directors should refuse to perform the duties hereby imposed, then the power and authority of said Directors shall devolve upon and must be exercised by the members of the Board of Supervisors.

Failure of
Board to
perform
duty.

SEC. 12. The District Attorney of said county is hereby required to give the Directors the same legal advice and on the same terms as he gives to the said Board of Supervisors; and he is also to give legal advice, when required, free of charge, to said District Tax Collector and Assessor.

Advice of
District
Attorney.

SEC. 13. The Directors shall receive not to exceed two dollars per day each, while attending to the duties herein required of him. The District Assessor shall receive a reasonable sum for his services hereunder, not to exceed thirty dollars per annum. The District Tax Collector shall receive, for his services hereunder, not exceeding three fourths of one per cent of all moneys collected and paid over by him to the County Treasurer; and the County Treasurer shall receive, for his services hereunder, not exceeding one half of one per cent on all moneys received by him for the district. The election officers herein provided for shall receive no compensation.

Pay of
Directors.

Of As-
sessor.

Of Tax
Collector.

Of Treas-
urer.

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 immediately.

CHAPTER CLXVII.

An Act making an appropriation to pay the deficiency in the appropriation for the Attorney-General, for the forty-second fiscal year, for costs and expenses of suits wherein the State is a party in interest.

[Approved March 31, 1891.]

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

Deficiency
in Attor-
ney-Gen-
eral's office.

SECTION 1. The sum of seventeen hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the Attorney-General, for the forty-second fiscal year, for costs and expenses of suits wherein the State is a party in interest.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXVIII.

An Act making an appropriation to pay the deficiency in the appropriation for expenses that may be incurred by the Attorney-General, for the forty-second fiscal year, in suits in the United States Courts.

[Approved March 31, 1891.]

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

Deficiency
in Attor-
ney-Gen-
eral's office.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for expenses that may be incurred by the Attorney-General, for the forty-second fiscal year, in suits in the United States Courts.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIX.

An Act providing for the payment of all moneys in the State Treasury, to the credit of Swamp Land District Funds, to the Treasuries of the counties wherein the said swamp land districts are situated, and to provide for the control of the same by the Auditor and Treasurer of said counties; and prescribing the duties of the Controller and Treasurer in relation thereto.

[Approved March 31, 1891.]

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

SECTION 1. Within three months after the passage of this Act, the Controller shall draw his warrant on the Treasurer for the amount to the credit of each Swamp Land District Fund, as shown by his books, in favor of the County Treasurer of the county wherein said swamp land district is situated, and the State Treasurer shall pay the same. And any moneys which may hereafter be due or payable from any of said swamp land districts to the State Treasury shall be paid into the Treasury of the proper county, to the credit of the proper Swamp Land District Fund.

Swamp Land District funds to be paid to County Treasurers.

SEC. 2. Immediately after drawing his warrant in favor of the respective County Treasurers, the Controller shall notify the proper County Auditor of the same, stating the amount of the order, and the Auditor shall charge the same to the Treasurer; and the money shall be subject, under those officers, to demands such as are now by law made upon the Controller, and shall be paid by the County Treasurer in like manner as the same are now paid by the State Treasurer.

Notice to County Auditor.

SEC. 3. In all cases wherein a swamp land district comprises territory made up of portions of two or more counties, the Controller may draw his warrant in favor of any one of said County Treasurers, and the Auditor of that county shall apportion said money to the several counties containing any of the lands of said swamp land district, proportionate to the acreage of each county in said district, and shall notify the Auditor and Treasurer of the several counties interested, draw his warrant for the amount due each county, and the Treasurer shall pay the same. And the Auditor and Treasurer of the proper counties shall credit said moneys, and dispose of them, as are now provided for moneys paid from the State Treasury.

How apportioned between counties.

SEC. 4. This Act shall take effect immediately.

CHAPTER CLXX.

An Act authorizing the Controller to charge the sum of \$3,306 72 against the General Fund, to adjust a discrepancy existing between the books in his office and those of the office of the State Treasurer, because of payments of warrants from the General Fund which had been drawn against the State Drainage Construction Fund and Construction Fund of Drainage District Number One.

[Approved March 31, 1891.]

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

Discrepancy
between
Controller
and
Treasurer
corrected.

SECTION 1. The Controller is hereby authorized to charge against the General Fund the sum of three thousand three hundred and six dollars and seventy-two cents, to adjust the discrepancy existing between his books and those of the Treasurer, to that amount, because of payments made from that fund by the Treasurer of warrants drawn against the State Drainage Construction Fund and Construction Fund of Drainage District Number One.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXI.

An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, by amending sections eighteen, twenty-four, twenty-five, and twenty-six thereof, relating to the assessment of property and the collection of such assessments.

[Approved March 31, 1891.]

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

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

Duty of
Assessor.

Section 18. The Assessor must, between the first Monday in March and the first Monday in June, in each year, assess all real property in the district 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 such property within the district, in which must be specified, in separate columns, under the appropriate head:

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.” 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. Description of land.

Third—City and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town, and the improvements thereon. Of city lots.

Fourth—The cash value of real estate, other than city or town lots. Value of land and improvements to be assessed.

Fifth—The cash value of improvements on such real estate.

Sixth—The cash value of city and town lots.

Seventh—The cash value of improvements on city and town lots.

Eighth—The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

Ninth—The total value of all property assessed.

Tenth—The total value of all property after equalization by the Board of Directors.

Eleventh—Such other things as the Board of Directors may require.

Any property which may have escaped the payment of any assessment for any year shall, in addition to the assessment for the then current year, be assessed for such year, with the same effect and with the same penalties as are provided for such current year. Property that has escaped assessments.

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

Section 24. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable, and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter, and that, unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The Collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment 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 amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock p. m., of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent. Notice of payment.

SEC. 3. Section twenty-five is hereby amended so as to read as follows: Time and place of collection.

Section 25. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable, and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter, and that, unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The Collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment 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 amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock p. m., of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent. Delinquent assessments.

SEC. 4. Section twenty-six is hereby amended so as to read as follows:

Section 26. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable, and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter, and that, unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The Collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment 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 amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock p. m., of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent.

SEC. 5. Section twenty-seven is hereby amended so as to read as follows:

Section 27. On or before the first day of November, the Secretary must deliver the assessment book to the Collector of the district, who shall, within twenty days, publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable, and will become delinquent at six o'clock p. m. on the last Monday of December next thereafter, and that, unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The Collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment 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 amount paid, with a description of the property assessed. On the last Monday in December, at six o'clock p. m., of each year, all unpaid assessments are delinquent, and thereafter the Collector must collect thereon, for the use of the district, an addition of five per cent.

Publica-
tion of
delinquent
list.

Section 25. On or before the first day of February, the Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with costs and percentages, are paid, the real property upon which such assessments 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 the county in which the property delinquent is situated; *provided*, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. 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 Collector, within the district.

Time and
place of
sale.

SEC. 4. Section twenty-six is hereby amended so as to read as follows:

Cost of
collecting
delinquent
taxes.

Section 26. The Collector must collect, in addition to the assessments due on the delinquent list and five per cent added, fifty cents on each lot, piece, or tract of land separately assessed, one half of which must go to the district and the other to the Collector 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 o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or block, 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; *provided*, that if any sale or sales shall be stayed by injunction, the time of the continuance of the injunction is not part of the time limited for making such sale or sales.

Sale of
property.

SEC. 5. This Act shall take effect immediately.

CHAPTER CLXXII.

An Act to amend sections fifteen hundred and seventy-seven, fifteen hundred and seventy-eight, and fifteen hundred and seventy-nine of the Code of Civil Procedure, relating to mortgages and leases in certain cases.

[Approved March 31, 1891.]

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

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

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

Any Judge of Superior Court may authorize executor or guardian to mortgage or lease real estate.

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

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

Necessary proceedings to mortgage.

First—The executor, administrator, guardian of any minor or incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, may file a verified petition showing:

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

Purpose of mortgage.

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

Statement of debts.

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

Advantages.

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

Amount.

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

Names.

Second—Upon filing such petition, an order shall be made by

- Order to show cause. the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than four nor more than ten weeks thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged the amount mentioned in the petition (stating such amount), or such lesser amount as to the Court or Judge shall seem meet, and referring to the petition on file for further particulars.
- Service. *Third*—The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or it may be published for four successive weeks in a newspaper of general circulation published in the county.
- Hearing. *Fourth*—At the time and at the place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the Court or Judge), having first received satisfactory proof of personal service, or publication of the order to show cause, the Court or Judge must proceed to hear the petition, and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to attend and testify, in the same manner and with like effect as in other cases; and if, after a full hearing, the Court or Judge is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor, or administrator, or the guardian of such minor or incompetent person, to make such mortgage. The order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest and period of the loan, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises to be mortgaged shall be insured for further security of the lender, and the premiums paid from such income.
- Witnesses. *Fifth*—After the making of the order to mortgage, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute, acknowledge, and deliver a mortgage of the premises, for the amount and period specified in the order, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the County Recorder of every county in which the encumbered land, or any portion thereof, lies. No bond, note, or other personal obligation shall be given with the mortgage, or created thereby.
- What order must specify. *Sixth*—Every mortgage so made shall be effectual to mortgage and hypothecate all the right, title, interest, and estate which the decedent, minor, or incompetent person, had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, and any right, title, or interest in said premises, acquired by the estate of such
- Mortgage.
- All rights, title, and interest covered by mortgage.

decendent, minor, or incompetent person, by operation of law or otherwise, since the time of the death of such decedent, or the appointment of the guardian of such minor or incompetent person. Jurisdiction of the Court to administer the estate of such decedent, minor, or incompetent person shall be effectual to vest such Court and Judge with jurisdiction to make the order for the mortgage, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, his heirs and assigns. No irregularity in the proceedings shall impair or invalidate the same, or the mortgage given in the pursuance thereof, and the mortgagee, his heirs and assigns, shall have and possess the same rights and remedies on the mortgage as if it had been made by the decedent prior to his death, the minor after reaching the age of maturity, or the incompetent person when legally competent; *provided, however,* that upon any foreclosure, if the proceeds of the encumbered property are insufficient to pay the mortgage, no judgment or claim for any deficiency of such proceeds to satisfy the mortgage, or the costs or expenses of sale, shall be had or allowed, except in cases where the mortgage was given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate, or when the interest of the minor vested in him, or at the time the incompetency of the incompetent person was so declared by the Court; *and provided, also,* that in cases affecting the estate of the deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article three, chapter ten, of title eleven, part three of this Code, with respect to mortgages subsisting at the time of death.

No irregularity invalidates mortgage.

No judgment allowed for deficiency upon foreclosure.

Classified with other demands.

SEC. 3. Section fifteen hundred and seventy-nine of the Code of Civil Procedure is amended so as to read as follows:

1579. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

Proceedings to lease.

First—The executor, administrator, guardian of a minor or of an incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, may file a verified petition showing:

Petition.

1. The advantage or advantages that may accrue to the estate from giving a lease.
2. A general description of the property proposed to be leased.
3. The term, rental, and general conditions of the proposed lease.
4. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, so far as known to the petitioner.

Requirements.

Second—Upon filing such petition, an order shall be made by the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than two nor more than four weeks thereafter, then and there to show cause why the realty (briefly indi-

Order of the Court.

cating it) should not be leased for the period (stating it), at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars.

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

Hearing. *Fourth*—At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the Court or Judge), the Court or Judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objections that may have been filed or presented thereto. Upon such hearing, witnesses may be com-

Witnesses. pelled to attend and testify in the same manner and with like effect as in other cases, and the Court may, in its discretion, appoint one or more, not exceeding three, disinterested persons

Appraisers. to appraise the rental value of the premises, and direct that a reasonable compensation for the services, not exceeding five dollars per day, be paid by the estate. If, after a full hearing, the Court or Judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor, administrator, or the guardian to make such lease.

Minimum rental. The order may prescribe the minimum rental to be received for the premises, and the period of the lease, which must in no case be longer than for five years, and may prescribe the other terms and conditions of such lease.

Conditions of lease. *Fifth*—After the making of the order to lease, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute, acknowledge, and deliver a lease of the premises for the term and period, and with the conditions specified in the order, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the County Recorder of every county in which the leased land or any portion thereof lies.

Effect of lease. *Sixth*—Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the Court to administer the estate of the decedent, the minor, or of the incompetent person, shall be effectual to vest such Court and Judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

Errors and omissions.

CHAPTER CLXXIII.

An Act to authorize the Governor and Surveyor-General to sell and convey the State's interest in certain land.

[Approved March 31, 1891.]

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

SECTION 1. The Governor and Surveyor-General are hereby authorized and directed to convey, release, quitclaim, and confirm all right, title, and interest of the State of California of, in, and to all that portion of the southeast quarter of section nineteen, township eleven north, range seven (7) east, Mount Diablo meridian, which is not embraced within the exterior boundaries of the lands set apart and heretofore conveyed by the State of California to the Masons and Odd Fellows of Rocklin, Placer County, California, for cemetery purposes, to the respective claimants and occupants thereof, as shown by the official map and field notes of survey of said lands, made by W. S. Graham, County Surveyor of Placer County, California, now on file in the office of the Recorder of Placer County, upon making and filing with the Surveyor-General proof, by affidavit, setting forth that the applicant was, at the date of said survey, in possession of the portion of said land claimed by him, her, or them, or an actual settler thereon, and upon the payment into the State Treasury of the sum of five dollars per acre, or fraction thereof, as shown by said survey and field notes; *provided*, that the present occupants and claimants shall be preferred purchasers of the respective lots and parcels of said lands claimed and occupied by them for the space of one year from the passage of this Act; *and provided further*, that all rights of way for all roads, railroads, tracks, and spurs now existing upon or over said lands shall be excepted from the title hereby authorized to be conveyed.

Governor and Surveyor-General authorized to convey certain real estate.

Present occupants preferred purchasers.

Rights of way excepted.

CHAPTER CLXXIV.

An Act to repeal sections six hundred and thirty-nine, six hundred and forty, six hundred and forty-one, six hundred and forty-two, six hundred and forty-three, six hundred and forty-four, six hundred and forty-five, and six hundred and forty-seven, of title sixteen, of part four, division first of the Civil Code, and to add seventeen new sections to said Civil Code, to be known and numbered as sections six hundred and thirty-three, six hundred and thirty-four, six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, six hundred and thirty-eight, six hundred and thirty-nine, six hundred and forty, six hundred and forty-one, six hundred and forty-two, six hundred and forty-three, six hundred and forty-four, six hundred and forty-five, six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, and six hundred and forty-eight and one half, providing for the formation and government of mutual building and loan associations.

[Approved March 31, 1891.]

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

Certain sections of Civil Code repealed.

SECTION 1. Sections six hundred and thirty-nine, six hundred and forty, six hundred and forty-one, six hundred and forty-two, six hundred and forty-three, six hundred and forty-four, six hundred and forty-five, and six hundred and forty-seven, of title sixteen, part four, division first of the Civil Code, are hereby repealed; *provided, however*, that so far as the said sections relate to and govern building and loan associations heretofore incorporated and doing business under the Civil Code, the said sections shall continue in full force and validity; *provided further*, that the sections by this Act added to the Civil Code, providing for the examination by the Bank Commissioners of this State of all building and loan associations, shall apply to all such corporations, whether organized and doing business before or after the passage of this Act.

Bank Commissioners to examine.

Seventeen new sections added.

SEC. 2. Seventeen new sections are hereby added to the Civil Code, to be known and numbered as sections six hundred and thirty-three, six hundred and thirty-four, six hundred and thirty-five, six hundred and thirty-six, six hundred and thirty-seven, six hundred and thirty-eight, six hundred and thirty-nine, six hundred and forty, six hundred and forty-one, six hundred and forty-two, six hundred and forty-three, six hundred and forty-four, six hundred and forty-five, six hundred and forty-six, six hundred and forty-seven, six hundred and forty-eight, and six hundred and forty-eight and one half.

"Mutual Building and Loan Associations."

633. Corporations may be formed subject to the provisions of this title, and with all the rights, duties, and powers herein specified. Such corporations shall be known as Mutual Building and Loan Associations, and the words "Mutual Building

and Loan Association" shall form part of the name of every such corporation. The articles of incorporation, in setting forth the purposes for which the corporation is formed, shall state that it is formed to encourage industry, frugality, home building, and savings among the stockholders; the accumulation of savings; the loaning to its stockholders of the funds so accumulated, with the profits and earnings; and the repayment to each stockholder of his savings and profits, when they have accumulated to a certain sum, or at any time when he shall desire the same, as provided in the by-laws, or when the corporation shall desire to repay the same; and shall also state that it is formed for all the purposes specified in this title.

What articles of incorporation shall set forth.

634. The capital stock of such corporations shall be paid in by the stockholders in regular, equal, periodical payments, at such times and in such amounts as shall be provided in the by-laws. Such periodical payments shall be called dues. And at or before a time to be stated in the by-laws, each stockholder shall pay to the corporation, upon each share of stock held by him, such an amount of dues as the by-laws shall provide; and the payment of dues shall so continue on each share of stock issued till it reaches its matured value, or is withdrawn, canceled, or forfeited. The capital stock shall consist of such accumulated dues, together with the earnings and profits of the corporation, and shall in no case exceed two million dollars, except as to corporations now existing. It shall be divided into shares of matured or par value of one hundred dollars, or two hundred dollars each, as shall be provided in the articles of incorporation and fixed by the by-laws. Certificates of stock shall be issued to each stockholder on the first payment of dues by him. The shares shall be issued in yearly, half yearly, or quarterly series, except in corporations now existing, in such amounts in each series, and at such times, as shall be determined by the Board of Directors. No share of a prior series shall be issued after the issuing of shares in a new series. Shares which have not been pledged as a security for the repayments of a loan shall be called free shares. Shares that have been so pledged shall be called pledged shares. All stock matured and surrendered or canceled in any series shall become the property of the corporation, and may be issued in any subsequent series. Payment of dues on shares of stock in each series shall commence from the time that shares began to be issued in such series. Any such corporation shall have power by its by-laws to impose and collect a fine from each stockholder not exceeding ten per cent of the defaulted amount, for every neglect or refusal to make his payments of dues, or premium, or interest, when due, and to impose and collect a like fine successively on every regular payday during such default. Every such corporation hereafter formed shall also have power to charge an entrance fee upon each share of stock issued, not exceeding ten cents on each share, and may also charge a transfer fee not exceeding ten cents on each share, all of which shall be paid into the treasury and accounted for as all other funds of the association; *provided*, that building and loan associations heretofore incorporated may

Capital stock.

Dues.

Shares.

Certificates.

Series.

Fines.

Entrance and transfer fees.

continue to charge and dispose of such entrance and transfer fees as are prescribed by the by-laws of such corporation. Payment of dues or interest may be made in advance, but no association shall allow interest on such advance payments at a greater rate than six per cent per annum, nor for a longer period than one year.

Payments
in advance.

Free shares
may be
retired.

635. The Directors may, at their discretion, under the regulations prescribed in their by-laws, retire the free shares of any series of stock, at any time after four years from the date of their issue, by enforcing the withdrawal of the same; but whenever there shall remain in any series, at the expiration of five years after the date of its issue, an excess above one hundred free shares of the par value of two hundred dollars each, or two hundred free shares of the par value of one hundred dollars each, then it shall be the duty of the Directors to retire annually twenty-five per centum of such excess existing at said expiration of five years after the date of its issue, so that no more than one hundred free shares shall remain in such series at the expiration of nine years from the date of its issue; *provided*, that no more than one half the monthly receipts be used for that purpose; and thereafter the Directors may, in their discretion, retire such other free shares as they consider to the best interest of the association to retire; *provided*, that whenever, under the provisions of this section, the withdrawal of shares is to be enforced, the shares to be retired shall be determined by lot, drawn from all free shares in the series, as shall be regulated by the by-laws, and the holders thereof shall be paid the amount actually paid in, and the full amount of earnings at the date of last apportionment of profits.

Twenty-
five per
cent to be
retired
annually.

Retire-
ment de-
termined
by lot.

Matured
value.

636. When the stock in any series shall have reached its matured value, payment of dues thereon shall cease, and all of the stockholders in such series who have borrowed from the association shall be entitled to have their securities returned to them, and a satisfaction of the mortgages made by them to the association; and the holders of free shares of stock in such series shall be paid out of the funds of the association the matured value thereof, with such rate of interest as shall be determined by the by-laws, from the time the Board of Directors shall declare such share to have matured until paid; but at no time shall more than one third of the receipts of the association be applicable to the payment of matured shares, without the consent of the Board of Directors. The order of the payment of the matured shares shall be determined by the by-laws.

One third
of receipts
only to be
applied.

Money to
be loaned.

637. The moneys in the hands of the Treasurer, and such sums as may be borrowed by the corporation for the purpose, shall be loaned out in open meeting to the member who shall bid the highest premium, or may be loaned at such premium as may be fixed, from time to time, by the Board of Directors; and the premium may be deducted from the amount of the loan, or such proportion may be deducted as the by-laws shall provide, and in that case the balance of said premium shall be payable in such installments as the by-laws shall determine; *provided, however*, that where the premium is payable in in-

installments, the number of installments into which the same is divided shall be uniformly applicable to all loans made by the corporation, and shall be payable at the times and in the manner as provided in the by-laws; and *provided further*, that in no case shall the amount loaned exceed the matured value of the shares pledged to secure the loan.

Installments to be uniform

638. The rate of interest on all loans may be fixed by the by-laws, but in case the by-laws fail to fix the rate, then it shall be fixed from time to time by the Board of Directors. For every loan made, a note or obligation secured by a first mortgage upon unencumbered real estate shall be given, accompanied by a transfer and pledge to the association of the shares borrowed upon, as collateral security for the repayment of the loan; or, in lieu of the mortgage, there may be pledged and transferred to the association for the payment of the loan free shares, the withdrawal value of which, under the by-laws, at the time of such borrowing, shall exceed the amount borrowed and interest thereon for six months. At the discretion of the Board of Directors, a borrower may repay a loan, and all arrears of interest and fines thereon, at any time, upon the surrender of the shares pledged for the loan.

Rate of interest.

Security.

Free shares may be used.

639. Whenever any member shall be six months in arrears in the payment of his dues upon free shares, the Secretary shall give him notice thereof, in writing, and a statement of his arrearages, by mailing the same to him at the last Post Office address given by him to the association, and if he shall not pay the same within two months thereafter, the Board of Directors may, at their option, declare his shares forfeited; and at the time of such forfeiture the withdrawal value thereof shall be determined and stated, and the defaulting member shall be entitled to withdraw the same without interest, upon such notice as shall be required of a withdrawing shareholder. Whenever a borrowing member shall be six months in arrears in the payment of his dues, or interest, or premium, the whole loan shall become due, at the option of the Board of Directors; and they may proceed to enforce collection upon the securities held by the association. The withdrawal value, at the time of the commencement of the action, of all shares pledged as collateral security for the loan, shall be applied to the payment of the loan, and said shares, from that time, shall be deemed surrendered to the association.

Six months in arrears and two months' notice work a forfeiture

640. Any such association may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien, or other encumbrance, or in which it may have an interest; and may sell, convey, lease, or mortgage the same at pleasure to any person or persons.

May buy real estate.

641. Any association organized in pursuance of the provisions of this Act may borrow money for the purpose of making loans or paying withdrawals.

Borrow money

642. Profits and losses shall be apportioned at least annually, and shall be apportioned to all the shares in each series outstanding at the time of such apportionment, according to

Profits and losses.

the actual value of such shares as distinguished from their withdrawal value.

Member-
ship.

643. Any person of full age and sound mind may become a member of the association, by taking one or more shares therein, and subscribing to the by-laws, and annexing to his signature his Post Office address. A minor may hold shares in the name of the parent, guardian, or next friend as trustee. The shares of stock in any such corporation held by any person, to the value of one thousand dollars, shall be exempt from execution.

Annual
report.

644. Every association organized under the provisions of this Act, and every other association doing a like business, shall annually make a full report, in writing, of the affairs and condition of such corporation, within thirty days after its annual meeting, to the Bank Commissioners of this State. Such report shall be verified by the oath of the officers making the same, and a copy of the same shall be delivered to every stockholder, from the office of the corporation, who may call for such report. Every association shall make any further reports which the said Commissioners may require, and in such form and as to such matters relating to the condition and conducting of the business of the association as such Commissioners may designate; and said Bank Commissioners may at any time examine into the affairs of any and every of said associations.

Other
reports.

Perjury.

Forfeitt for
failure to
report.

Any willful false swearing in making and verifying said reports shall be deemed perjury. Any such association which shall fail to furnish the Bank Commissioners any such report required, within thirty days after demand, shall forfeit the sum of ten dollars per day for every day such report shall be delayed or withheld; which may be recovered in an action brought by the Attorney-General in the name of the people of this State; and all moneys so recovered shall be paid to the Treasurer of the State, who shall pay the same into the "Bank Commissioners' Fund." The State Bank Commissioners shall annually publish a full report of the condition of all associations formed under the provisions of this title, and every other association doing a like business in this State, in the same manner as they are now required to do in reference to savings banks.

Annual
report to be
published.

Foreign
corpora-
tions must
deposit
\$50,000 in
cash or
securities
before
allowed
to do
business.

645. No mutual building and loan association, or company, association, or corporation, organized under the laws of any other State or Territory, to carry on a business of a like character to that authorized by this title, shall be allowed to do business, or to sell their stock in this State, without first having deposited with the State Controller, or Secretary of State, the sum of fifty thousand dollars in money, or United States or municipal bonds of this State, or in mortgages upon real estate located within this State, as a guarantee fund for the protection and indemnity of residents of the State of California, with whom such companies, associations, or corporations shall do business; the fund so deposited to be paid by the custodian thereof to the residents of California only, and not then until proof of claim by final judgment has been

filed with the custodian of said fund against such foreign company, association, or corporation. Any of the securities so deposited may be withdrawn at any time upon others, herein provided for, of like amount, being substituted in lieu thereof. Any person or persons who shall be found in this State as agent, or in any other capacity, representing such foreign company, association, or corporation, which has not complied with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

Agents of companies not complying, guilty of a misdemeanor.

646. Any building and loan association, now existing and heretofore incorporated, desiring to continue its existence under the provisions of this title, may do so if the holders of a majority of the stock, at their regular annual meeting, or at a special meeting of the stockholders called for that purpose, shall so elect. The notice of the meeting, whether regular or special, shall state as one of the objects of the meeting, to vote on the question whether the corporation shall continue its existence under the provisions of this title; and the notice of meeting shall be published as required by section three hundred and one; and, in addition thereto, a similar notice shall be mailed to each stockholder at his Post Office address. Within thirty days after the holders of a majority of the stock at any such meeting have voted to continue the existence of the corporation under the provisions of this title, the Secretary of the corporation shall, under oath, make and subscribe, as such Secretary, a certificate, in writing, stating the calling of such meeting, the fact that the holders of a majority of the stock voted to continue the existence of the corporation under this title, which shall be filed in the office of the County Clerk in which its original articles of incorporation have been filed, and shall file in the office of the Secretary of State a certified copy thereof, according to the provisions of section two hundred and ninety-six; and the Secretary of State shall issue his usual certificate, as provided in said section. Thereupon, such corporation shall be subject to all the provisions of this title, as though originally incorporated under the provisions hereof, except that no change in its name or amount of capital stock shall be made; but the name shall be the same as contained in the original articles.

Existing associations may elect to continue business.

Secretary of State to issue his certificate.

647. All corporations doing the business of building and loan associations in this State shall be subject to the provisions of this title relating to the Bank Commissioners.

648. The name "building and loan association," as used in this Act, shall include all corporations, societies, or organizations, or associations doing a savings and loan or investment business on the building society plan, viz.: loaning its funds to its members or its shareholders, and whether issuing certificates of stock which mature at a time fixed in advance or not.

What term "building and loan association" includes.

648½. The provisions of an Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved

Act imposing tax on stocks not applicable.

April first, eighteen hundred and seventy-eight, shall not be deemed and held to be applicable to any certificates issued to and transferred by the members or stockholders of any association organized under or governed by this Act.

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

CHAPTER CLXXV.

An Act to authorize the Board of Fish Commissioners of this State to purchase the land on which the State fish hatcheries at Sisson are now situated, and appropriating money therefor.

[Approved March 31, 1891.]

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

Authority
to purchase
fish hatch-
eries at
Sisson.

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to purchase, out of the fund for the support and maintenance of the State hatcheries, the land on which the State fish hatcheries at Sisson are now situated, at a sum not to exceed five hundred dollars.

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

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

CHAPTER CLXXVI.

An Act to establish a naval battalion, to be attached to the National Guard of California.

[Approved March 31, 1891.]

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

What con-
stitutes
naval bat-
talion.

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

Rank and
file.

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

Sec. 3. The staff officers of the battalion shall consist of an Adjutant, one Ordnance Officer, and one Paymaster, selected from the Lieutenants, junior grade, of the battalion, and one Surgeon, with the rank of Lieutenant, junior grade.

Staff.

Sec. 4. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the navy of the United States as it now is or may hereafter be prescribed by Congress. When not otherwise provided for, the government of the naval militia shall be controlled by the provisions of the Political Code relating to the National Guard of California, and the Governor shall have power to alter, divide, annex, consolidate, or disband the same, whenever, in his judgment, the efficiency of the State forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia; but such rules and regulations shall conform to the provisions of this Act, and as nearly as practicable to those governing the United States navy.

Organization.

Government.

Power of Governor.

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

Governor to make necessary arrangements.

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

Detail of U. S. officers.

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

Rank of officers.

CHAPTER CLXXVII.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote horticultural interests of the State,'" approved March 19, 1889.

[Approved March 31, 1891.]

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

SECTION 1. Said Act is hereby amended by adding a new section thereto, to be known as section twelve, and to read as follows, viz.:

Commis-
sion may
consist of
any num-
ber less
than three.

Section 12. When a petition is presented to the Board of Supervisors of any county, as required by section one of said Act, the said Board of Supervisors may appoint a Commission, to consist of any number less than three members, at a compensation each of not less than four dollars, and if but one member, five dollars for each day actually engaged in the performance of his duties under this Act; and all the provisions prescribing the duties of and conferring powers upon the County Board of Horticultural Commissioners contained in said Act shall apply to the Commission appointed under this section.

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

CHAPTER CLXXVIII.

An Act for the relief of Colonel Jonathan D. Stevenson, and to appropriate money therefor.

[Approved March 31, 1891.]

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

Monthly
payments
to Col.
Stevenson.

SECTION 1. The sum of one hundred and twenty-five dollars per month, payable monthly, for the period of twenty-one months, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of Col. Jonathan D. Stevenson; *provided, however,* that said appropriation shall cease upon the death of the said Stevenson, if he shall die before said period has elapsed, the sums paid under the provisions of this Act to be accepted by the said Stevenson in full payment and satisfaction of all claim of every kind and nature that he may have, or claim to have, against this State for services or otherwise.

Duty of
Controller.

SEC. 2. The Controller of State is hereby directed to draw his warrant monthly for the sum of one hundred and twenty-five dollars, during the said period of twenty-one months, or

until the said Stevenson shall die, if such event shall occur before the expiration of said period, in favor of the said Jonathan D. Stevenson, and the Treasurer of State is hereby directed to pay the same. And the direction to the Controller herein, and said Treasurer, is hereby exempted and excepted from the provisions of sections four hundred and fifty-three and six hundred and seventy-two of the Political Code of the State of California.

SEC. 3. Said warrants shall not be assignable.

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

CHAPTER CLXXIX.

An Act to extend the jurisdiction of the Board of State Harbor Commissioners over East Street, San Francisco.

[Approved March 31, 1891.]

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

SECTION 1. That portion of East Street, between Pacific and Folsom Streets, in the City and County of San Francisco, which has heretofore been under the jurisdiction of the Board of Supervisors of said city and county, is hereby placed under the jurisdiction of the Board of State Harbor Commissioners.

East Street,
San Francisco.

SEC. 2. The Board of State Harbor Commissioners is hereby authorized and directed to assume control of said street within the limits defined in section one, and to operate the same as required by law for other portions of the waterfront.

Under control of
Harbor
Commissioners.

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

CHAPTER CLXXX.

An Act to appropriate the sum of three thousand one hundred dollars to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon.

[Approved March 31, 1891.]

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

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of three thousand one hundred dollars, to be paid to the Board of the State Prison Directors, and to be expended by them as follows, viz.: To purchase the property of John Mann at the sum of six hundred dollars; James Cronogue, at five hundred dol-

\$3,100 appropriated to buy land adjacent to San Quentin.

lars; Mrs. Sophia H. Edwards, fifteen hundred dollars; Henry Schlosser, five hundred dollars.

Duty of
Controller.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant upon the State Treasury for the said sum of three thousand one hundred dollars, payable to the Board of State Prison Directors, and the Treasurer of said State is hereby directed to pay the same.

This appro-
priation is
an addi-
tional one
to that of
1889.

SEC. 3. The payments herein mentioned are to be paid as additional sums to those mentioned in "An Act to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon, and making an appropriation therefor," approved March nineteenth, eighteen hundred and eighty-nine.

SEC. 4. This Act shall take effect immediately.

CHAPTER CLXXXI.

An Act ceding to the United States of America jurisdiction over lands in this State ceded to the United States.

[Approved March 31, 1891.]

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

Exclusive
jurisdic-
tion ceded
to United
States.

SECTION 1. The State of California hereby cedes to the United States of America exclusive jurisdiction over such piece or parcel of land as may have been or may be hereafter ceded or conveyed to the United States, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of this State and the service of civil process therein.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXII.

An Act to amend section three and section thirteen of an Act entitled "An Act to promote drainage," approved March 18, 1885.

[Approved March 31, 1891.]

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

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

Lands im-
properly
included
in district
to be
excluded.

Section 3. If the Board of Supervisors find, upon the hearing of such petition, that lands have been improperly included in such district, they may, before fixing the final boundaries,

exclude from such district any lands which may have been included, or include any lands adjacent thereto, on petition of any owner of such land presented at such time of hearing, as they may deem for the best interests of such district; and they must then define the boundaries, declare the district duly formed, and the persons named in the petition for the formation of such district to be the Trustees for the first three months, or until their successors are appointed.

SEC. 2. Section thirteen of the above entitled Act is hereby amended to read as follows:

Section 13. The Commissioners appointed by the Board of Supervisors must make a list of the charges assessed against each district of land, and the list must contain a description of each tract assessed, the number of acres in each tract, and the names of the owners in each tract, if known, and if unknown, the amount of charges assessed against each tract; and the Board of Commissioners must, on completion of such list, cause a notice to be published in some paper published in the county where such district is situated, and also have such notice posted in three places in such district, to the effect that the Board of Commissioners will, in ten days from the publication of such notice, meet (and they shall also name the time and place of such meeting) as a Board of Equalization for the purpose of equalizing assessments, and will continue in session as long as may be necessary, not to exceed ten days, at the end of which time, having equalized and adjusted such assessments, the list must then be filed as hereinafter provided.

Assessment list to be prepared.

Notice to be given of meeting of Board of Equalization.

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

CHAPTER CLXXXIII.

An Act to declare the bridge across Feather River, extending from Fifth Street, at the city of Marysville, in the county of Yuba, to the opposite bank of said river, a free bridge.

[Approved March 31, 1891.]

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

SECTION 1. The bridge extending across Feather River from Fifth Street, at the city of Marysville, in county of Yuba, to the opposite bank of said river, and constructed by the county of Sutter, in pursuance of an Act of the Legislature of this State entitled "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River," approved April eleventh, eighteen hundred and fifty-nine, and the various Acts amendatory thereof and supplemental thereto, is hereby declared to be free for all crossings of persons and property, and no tolls shall hereafter be collected or received for the crossing of said bridge.

Bridge over Feather River, at Marysville, made a free bridge.

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.

CHAPTER CLXXXIV.

An Act to amend an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 28, 1859, and to authorize the owners of lots in such cemeteries to transfer them by deed.

[Approved March 31, 1891.]

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

SECTION 1. The Act of the Legislature entitled "An Act to authorize the incorporation of rural cemetery associations," approved April twenty-eighth, eighteen hundred and fifty-nine, is amended, by the addition of a new section, so as to read as follows:

Owner of lot in cemetery, when bodies are removed, may convey same.

Section 13. Whenever all the bodies buried in any lot or plot, in this Act referred to, shall have been removed therefrom, with the consent of a majority of the Board of Directors of the corporation owning said cemetery, it shall be lawful for the owners of said lot or plot, with the consent of a majority of said Directors, to transfer the same by deed.

CHAPTER CLXXXV.

An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase school lots, and for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

[Approved March 31, 1891.]

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

Boards of Education of cities of fifth class may call election to incur indebtedness.

SECTION 1. The Board of Education of any school district in a city of the fifth class may, when in their judgment it is advisable, and must, when requested by the Board of Trustees of such city, call an election, and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and

improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

Sec. 2. Such election must be called by posting notices, signed by the Board of Education, in three of the most public places in the district, for not less than twenty days before the election; and by publishing such notices in some newspaper published in such city, not less than once a week for three successive weeks.

Notices to be published.

Sec. 3. Such notices must contain:

What notices must contain.

1. The time and place of holding such election.

2. The names of three Judges to conduct the same.

3. The hours during the day (not less than six hours) in which the polls will be open.

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

Sec. 4. Such election shall be held, except as otherwise provided in this Act, in conformity with sections eighteen hundred and thirty-three, eighteen hundred and thirty-four, and eighteen hundred and thirty-five of the Political Code, excepting the words to appear upon the ballots, which shall be "Bonds—Yes," or "Bonds—No."

Manner of holding election.

Sec. 5. On the seventh day after said election, at one o'clock P. M., the returns having been made to the Board of Education, the Board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election was in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes, and shall certify to the Board of Trustees of said city all the proceedings had in the premises; and thereupon said Board of Trustees shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the Building Fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment book of the city.

Returns canvassed.

Trustees to issue bonds.

Sec. 6. The Board of City Trustees, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole, or any part of the principal of said bonds, shall be payable, which shall not be more than ten years from the date thereof.

Form of bonds.

Sec. 7. Said bonds must not bear a greater rate of interest than eight per cent, said interest to be payable annually; and said bonds must be sold in the manner prescribed by the Board of City Trustees, but for not less than par, and the proceeds of the sale thereof must be deposited in the City Treasury to the credit of the Building Fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn out.

Rate of interest.

Tax levy.

SEC. 8. The Board of City Trustees, at the time of making the levy of taxes for city purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first one half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term, high enough to pay such annual interest, and to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and the moneys so levied and collected shall be paid into the City Treasury, to the credit of the Building Fund of such district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the City Treasurer, upon the warrant of the President of the Board of Trustees, countersigned by the City Clerk, out of the fund provided therefor; and it shall be the duty of the City Clerk to cancel and file with the Treasurer the bonds and coupons as rapidly as they are paid.

How bonds
are paid.

What shall
be done if
no pro-
vision
is made for
payment.

SEC. 9. If the Board of Trustees of any city which has issued bonds under the provisions of this Act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the City Treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, take his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said district a sufficient rate to raise the amount of principal or interest past due prior to the next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State Treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the City Treasurer of the city by which such bonds were issued, to be applied towards the payment of principal or interest of any school bond then outstanding against said district; if there be no such outstanding bonds, then such balance shall be placed by the City Treasurer to the credit of the General School Fund of said district.

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

CHAPTER CLXXXVI.

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

[Approved March 31, 1891.]

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

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

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

Annual salaries of Judges of Superior Courts.

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

CHAPTER CLXXXVII.

An Act authorizing the Attorney-General to dismiss those certain actions pending in the Superior Court of the City and County of San Francisco, and numbered eleven thousand seven hundred and six, eleven thousand nine hundred and twenty-five, and eleven thousand nine hundred and twenty-six, upon payment to him for the use of the State of certain moneys.

[Approved March 31, 1891.]

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

Attorney-General authorized to dismiss certain suits.

SECTION 1. The Attorney-General is hereby authorized, in his discretion, to dismiss those certain actions now pending in the Superior Court of the City and County of San Francisco, State of California, wherein the People of the State of California are parties plaintiff, and W. A. Phillips and others are parties defendant, number eleven thousand seven hundred and six; and William H. Knight and others are parties defendant, number eleven thousand nine hundred and twenty-five; and William Blanding and others are parties defendant, number eleven thousand nine hundred and twenty-six, upon the payment to him for the use of the State of such amounts as by the cash books kept by the Secretary of the Board of State Harbor Commissioners appear to have come into possession of said Board, and which have not been paid into the State Treasury; or to dismiss the same, in his discretion, as to any defendant therein, upon payment by such defendant of his just proportion of said amounts.

CHAPTER CLXXXVIII.

An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to protect and promote the horticultural interest of the State,' approved March 14, 1881," approved March 19, 1889.

[Approved March 31, 1891.]

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:

Inspection of orchards, etc., to be ordered by Horticultural Commissioners.

Section 2. It shall be the duty of the County Board of Horticultural Commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchards, or nursery, or trees, plants, vegetables, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or

articles in their jurisdiction, and if found infested with scale insects, or codlin moth, or other pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvæ, they shall notify the owner or owners, or person or persons in charge or in possession of the said places, or orchards, or nurseries, or trees, or plants, vegetables, vines, or fruit, or articles, as aforesaid, that the same are infested with said insects, or other pests, or any of them, or their eggs or larvæ, and they shall require such person or persons to eradicate or destroy the said insects or other pests, or their eggs or larvæ, within a certain time to be specified. Said notices may be served upon the person or persons, or either of them, owning, or having charge, or having possession of such infested place, or orchard, or nursery, or trees, plants, vegetables, vines, or fruit, or articles, as aforesaid, by any Commissioner, or by any person deputed by the said Commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. Any and all such places, or orchards, or nurseries, or trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested, are hereby adjudged and declared to be a public nuisance. And whenever any such nuisance shall exist at any place within their jurisdiction, or on the property of any non-resident, or on any property the owner or owners of which cannot be found by the County Board of Horticultural Commissioners, after diligent search, within the county, or on the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect to abate the same within the time specified, it shall be the duty of the County Board of Horticultural Commissioners to cause said nuisance to be at once abated, by eradicating or destroying said insects or other pests, or their eggs or larvæ. The expense thereof shall be a county charge, and the Board of Supervisors shall allow and pay the same out of the General Fund of the county. Any and all sum or sums so placed shall be and become a lien on the property and premises from which said nuisance has been removed or abated, in pursuance of this Act, and may be recovered by an action against such property and premises; which action to foreclose all such liens shall be brought in the proper Court by the District Attorney of the county, in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the County Treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the Court for his use when ascertained. The County Board of Horticultural Commissioners is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner.

Owners required to eradicate.

Notice to be served.

Public nuisance.

Non-resident property owners.

Expense.

Lien.

Fore-closure.

Board can abate nuisance.

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

CHAPTER CLXXXIX.

An Act to empower the Board of State Harbor Commissioners to rectify the alignment of East Street, from Pacific Street to Market Street, in the City and County of San Francisco, and to sell, acquire, and condemn adjacent property.

[Approved March 31, 1891.]

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

Alignment
of East
Street to
be straight-
ened.

SECTION 1. The Board of State Harbor Commissioners is hereby authorized and directed to rectify the alignment of East Street, between Pacific Street and Market Street, in the City and County of San Francisco, said rectification to be done so as to straighten the property lines and give as wide and commodious a thoroughfare as the traffic may demand.

SEC. 2. In no case shall the alignment of the westerly side of said thoroughfare extend east of the inner line of the thoroughfare as now established and defined by law.

SEC. 3. The jurisdiction of the said Board shall be westerly to the line as established under this Act.

Power of
Board.

SEC. 4. The Board, in carrying out this law, shall have the power to purchase and sell, and to exchange, upon a legal and equitable basis, any portion or portions of the property adjacent to the westerly line of the thoroughfare herein provided for; and a full record of their proceedings shall be entered upon their minutes, and a sworn statement of all transfers, sales, and purchases, and other transactions, shall be filed with the Secretary of State. Said statements shall show in full all payments and receipts, itemized so as to definitely exhibit the price or prices of each parcel of land transferred.

SEC. 5. In case of failure on the part of the interested parties to come to a satisfactory agreement, the Board shall have the power to condemn, as in other cases, for public purposes.

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

CHAPTER CXC.

An Act providing for the dissolution and winding up of savings banks, trust companies, and banks of deposit, and providing for the disposition of all funds deposited therein and not claimed within five years after such banks have ceased to do business, or after the commencement of proceedings to dissolve.

[Approved March 31, 1891.]

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

SECTION 1. That any savings bank, or trust company, or bank of deposit, heretofore created, or which may be hereafter created, shall have the right, on application of the stockholders or members to the Superior Court of the county wherein its principal place of business is situated, to dissolve said corporation in the manner provided for in title six, part three, of the Code of Civil Procedure. Right to dissolve savings banks, etc.

SEC. 2. It is hereby made the duty of every person or corporation holding funds of any savings bank, or trust company, or bank of deposit, at the end of five years from and after such bank has ceased to receive deposits or do business, to pay the same into the State Treasury, which money shall be held in the State Treasury in a fund which is hereby designated as "The Dissolved Savings Bank Fund;" and at the same time it shall be the duty of such person or corporation to furnish to the State Controller a list of the names of all depositors to whom said moneys belong or to whom said bank owes the same. "Dissolved Savings Bank Fund" created.

SEC. 3. The money in said "The Dissolved Savings Bank Fund" may be drawn out on the warrants of the State Controller, issued on proofs of ownership, approved and allowed by the State Board of Examiners. How drawn upon.

SEC. 4. All moneys paid into the said "The Dissolved Savings Bank Fund," uncalled for within five years after being paid in, shall escheat to the State, and thereafter only drawn out in such manner as now provided for by law for the estates of deceased persons escheated to this State. When same escheats.

SEC. 5. That any person or corporation failing to comply with the provisions of this Act shall be liable to the State of California for the amount of money so retained by them contrary to the provisions of the first four sections of this Act; and the Attorney-General of this State is hereby authorized, empowered, and directed to bring action, in the name of the people of the State of California, in such manner and upon the same terms as now provided for escheated estates, to recover judgment for said money, and when so recovered, to be paid into the State Treasury and held subject to the provisions of this Act; *provided*, that said fund shall be liable for the expense of the recovery of the same, to be paid out upon demands audited by the State Board of Examiners. Attorney-General empowered to bring actions.
Expense of recovery.

Investment of funds.

SEC. 6. Whenever and as often as there is in the State Treasury to the credit of the said "The Dissolved Savings Bank Fund" the sum of ten thousand dollars, the State Board of Examiners must invest the same in civil funded bonds of this State, or in bonds of the United States, or in bonds of the several counties of this State; the investments to be made in such manner and upon such terms as the Board shall deem for the best interests of the said "The Dissolved Savings Bank Fund;" *provided*, that no bonds of any counties shall be purchased of which the debt, debts, or liabilities at the time exceed fifteen per cent of the assessed value of the taxable property of said county.

Bonds purchased.

SEC. 7. All bonds purchased by the Board under the provisions of this Act must be delivered to the State Treasurer, who shall keep them as a portion of said "The Dissolved Savings Bank Fund," the interest upon such bonds to be placed by him to the credit of said fund.

To sell bonds to meet payments.

SEC. 8. Whenever the moneys on hand in the State Treasury to the credit of the said "The Dissolved Savings Bank Fund" is not sufficient to pay the claims allowed by the State Board of Examiners against said fund, it shall be the duty of said Board to sell such bonds belonging to said fund as they may deem proper, for the purpose of providing funds for the payment of such claims so allowed by them.

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

CHAPTER CXCI.

An Act to amend sections twelve hundred and seventeen, twelve hundred and twenty, twelve hundred and twenty-one, twelve hundred and twenty-three, twelve hundred and twenty-four, twelve hundred and twenty-five, twelve hundred and twenty-six, twelve hundred and twenty-seven, twelve hundred and twenty-nine, and twelve hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to execution of judgments of death.

[Approved March 31, 1891.]

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

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

Warrant of execution of death penalty.

1217. When judgment of death is rendered, a warrant, signed by the Judge, and attested by the Clerk, under the seal of the Court, must be drawn and delivered to the Sheriff. It must state the conviction and judgment, and appoint a day on which the judgment is to be executed, which must not be less

than sixty nor more than ninety days from the time of judgment, and must direct the Sheriff to deliver the defendant, within ten days from the time of judgment, to the Warden of one of the State Prisons of this State, for execution, such prison to be designated in the warrant.

SEC. 2. Section twelve hundred and twenty of the same Act is hereby amended so as to read as follows:

1220. No Judge, Court, or officer, other than the Governor, can suspend the execution of a judgment of death, except the Warden of the State Prison to whom he is delivered for execution, as provided in the six succeeding sections, unless an appeal is taken. Governor may suspend.

SEC. 3. Section twelve hundred and twenty-one of the same Act is hereby amended so as to read as follows:

1221. If, after judgment of death, there is good reason to suppose that the defendant has become insane, the Warden of the State Prison to whom he is delivered for execution, with the concurrence of the Judge of the Superior Court of the county in which such prison is situated, may summon from the list of jurors selected by the Supervisors for the year, a jury of twelve persons, to inquire into the supposed insanity, and must give immediate notice thereof to the District Attorney of such county. Duty of Warden with insane.

SEC. 4. Section twelve hundred and twenty-three of the same Act is hereby amended so as to read as follows:

1223. A certificate of the inquisition must be signed by the jurors and the Warden, and filed with the Clerk of the Superior Court of the county in which such State Prison is situated. Certificate.

SEC. 5. Section twelve hundred and twenty-four of the same Act is hereby amended so as to read as follows:

1224. If it is found by the inquisition that the defendant is sane, the Warden must execute the judgment; but if it is found that he is insane, the Warden must suspend the execution of the judgment until he receives a warrant from the Governor, or from the Judge of the Superior Court of the county in which such State Prison is situated, directing the execution of the judgment. If the inquisition finds that the defendant is insane, the Warden must immediately transmit it to the Governor, who may, when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment. Action of officer when prisoner is insane.

SEC. 6. Section twelve hundred and twenty-five of the same Act is hereby amended so as to read as follows:

1225. If there is good reason to suppose that a female against whom a judgment of death is rendered is pregnant, the Warden of the State Prison to whom she is delivered for execution, with the concurrence of the Superior Court of the county in which such State Prison is situated, may summon a jury of three physicians to inquire into the supposed pregnancy. Immediate notice thereof must be given to the District Attorney of such county, and the provisions of sections twelve hundred and twenty-two and twelve hundred and twenty-three apply to the proceedings upon the inquisition. Duty of Warden when female is supposed to be pregnant.

SEC. 7. Section twelve hundred and twenty-six of the same Act is hereby amended so as to read as follows:

Duty when found to be pregnant.

1226. If it is found by the inquisition that the female is not pregnant, the Warden must execute the judgment; if it is found that she is pregnant, the Warden must suspend the execution of the judgment, and transmit the inquisition to the Governor. When the Governor is satisfied that the female is no longer pregnant, he may issue his warrant appointing a day for the execution of the judgment.

SEC. 8. Section twelve hundred and twenty-seven of the same Act is amended so as to read as follows:

Duty of officers where judgment of death has not been executed.

1227. If for any reason a judgment of death has not been executed, and it remains in force, the Court in which the conviction is had, on the application of the District Attorney of the county in which the conviction is had, must order the defendant to be brought before it, or if he is at large, a warrant for apprehension may be issued. Upon the defendant being brought before the Court, it must inquire into the facts, and if no legal reasons exist against the execution of the judgment, must make an order that the Warden of the State Prison to whom the Sheriff is directed to deliver the defendant, shall execute the judgment at a specified time. The Warden must execute the judgment accordingly.

SEC. 9. Section twelve hundred and twenty-nine of the same Act is hereby amended so as to read as follows:

Where judgment must be executed.

Who may be present.

1229. A judgment of death must be executed within the walls of one of the State Prisons designated by the Court by which judgment is rendered. The Warden of the State Prison where the execution is to take place must be present at the execution and must invite the presence of a physician, the Attorney-General of the State, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

SEC. 10. Section twelve hundred and thirty of the same Act is amended so as to read as follows:

Return of Warden.

1230. After the execution, the Warden must make a return upon the death warrant to the Court by which the judgment was rendered, showing the time, mode, and manner in which it was executed.

CHAPTER CXCLII.

An Act to enable the Coulterville and Yosemite Turnpike Company, a corporation, to sue the State of California for the loss and damage suffered and sustained by said corporation, by the construction of a road by the Yosemite Turnpike Road Company, under and by virtue of an Act of the Legislature of the State of California entitled "An Act granting the right of way to the Yosemite Turnpike Road Company over the Yosemite Grant," approved February 17, 1874, and for the relief of said Coulterville and Yosemite Turnpike Company.

[Approved March 31, 1891.]

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

SECTION 1. Whereas, the Commissioners to manage the Preamble.
Yosemite Valley and the Mariposa Big Tree Grove, by their resolution adopted the sixteenth day of July, eighteen hundred and seventy-two, together with a written agreement dated the thirteenth day of August, eighteen hundred and seventy-two, agreed with the Coulterville and Yosemite Turnpike Company, a corporation, that said Coulterville and Yosemite Turnpike Company should have the exclusive right to construct and maintain a wagon road on the northerly or Coulterville side of the Merced River, from a point at or near Crane Flat, past the line of survey of that reservation from the public lands of the United States, known as the Yosemite Grant, to and upon the level of the Yosemite Valley, and should have the exclusive right to maintain a road on said side of the Merced River, and collect tolls thereon for a term of ten years from the completion thereof; and the said road, in pursuance of such resolution and agreement, was completed on the eighteenth day of June, eighteen hundred and seventy-four, and said Commissioners, on the third day of July, eighteen hundred and seventy-four, accepted the same as completed.

SEC. 2. And whereas, in the year eighteen hundred and seventy-four, the Legislature of the State of California passed an Act entitled "An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant," approved February seventeenth, eighteen hundred and seventy-four, and under and by virtue of said Act, said Yosemite Turnpike Road Company constructed and completed a road on the northerly side of the Merced River, from near Gentry's Station to a point on the level of the Yosemite Valley, near El Capitan, which said road was completed in the month of July, eighteen hundred and seventy-four.

SEC. 3. And whereas, the last mentioned road was on the northerly, or Coulterville, side of the Merced River, and conflicted with the exclusive privilege so granted to said Coulter-

ville and Yosemite Turnpike Company, and by reason of the construction and completion of the same, the wagon road completed by said Coulterville and Yosemite Turnpike Company then became little used, and said Coulterville and Yosemite Turnpike Company claims to have suffered great loss and damage, by reason of the loss of tolls on its said road, and the depreciation in value of said road.

Coulterville and Yosemite Turnpike Company authorized to sue the State.

SEC. 4. The said Coulterville and Yosemite Turnpike Company is hereby authorized to commence and prosecute a civil action, in the Superior Court of the county of Sacramento, against the State of California, to recover such amount, if any, as it may in law or equity be entitled to receive as compensation for the injuries aforesaid. Summons in said action shall be issued, and, together with a copy of the complaint, served upon the Attorney-General of the State, and it shall be his duty to defend said action, and to interpose thereto such defenses, legal or equitable, as may exist, and which a private person under like circumstances might interpose. In beginning this action, it is expressly understood that said Coulterville and Yosemite Turnpike Company shall file with the Superior Court of the county of Sacramento a bond in sufficient sum to cover the costs of Court, such as may be deemed sufficient and approved by said Court, and an additional bond in the sum of five hundred dollars, to be paid as fees for counsel employed by the State in the defense of the case; but in the event the judgment is in favor of said Coulterville and Yosemite Turnpike Company, it shall in no manner be responsible, and its bondsmen shall be released from all liability.

Bond for costs and attorney fees.

Appeal.

SEC. 5. If, in said action, a judgment shall be entered in favor of the plaintiff therein, it shall be the duty of the Attorney-General to take an appeal therefrom to the Supreme Court of the State; and if such judgment shall be finally affirmed by said Supreme Court, then the plaintiff in said action shall file a certified copy of said judgment with the Governor of the State; and it is hereby made the duty of the Governor, by message, to inform the next Legislature of the existence of said judgment against the State.

Duty of Governor.

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

CHAPTER CXCIIL.

An Act to amend section one hundred and fifty-eight of the Code of Civil Procedure of the State of California, relating to the residence of Judges of the Superior Court.

[Approved March 31, 1891.]

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

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

158. Each Judge of a Superior Court shall reside at the county seat of the county in which such Court is held, or within three miles thereof, and within the county, except that in the counties of Yuba and Sutter the Judge may reside in either of said counties; *provided*, that when there is more than one Judge of the Superior Court in a county, it shall not be necessary for more than one Judge to reside at the county seat, as provided herein.

Residence
of Superior
Judge.

CHAPTER CXCIIV.

An Act to appropriate five thousand dollars for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects.

[Approved March 31, 1891.]

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

SECTION 1. There is hereby appropriated the sum of five thousand dollars out of any money in the State Treasury not otherwise appropriated, for the purpose of sending an expert to Australia, New Zealand, and adjacent countries, to collect and import into this State parasites and predaceous insects for distribution; the expenditure of said sum to be under the direction of the State Board of Horticulture.

Appropriation to send expert to Australia.

SEC. 2. The Controller of State is hereby directed to draw his warrant for the above sum upon the State Treasurer in favor of said Board, and the State Treasurer is hereby directed to pay the said warrant.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIV.

An Act to add a new section to the Code of Civil Procedure, said section to be designated as section seven hundred and forty-nine, relating to the quieting of title to real property.

[Approved March 31, 1891.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, next after section seven hundred and forty-eight, and included in chapter three, part two, title ten, and designated as section seven hundred and forty-nine, to read as follows:

How
service
may be
made in
actions
relating
to real
property.

149. Service may be made by publication in actions relating to or the subject of which is real property in this State, when any defendant has or claims any adverse interest or estate therein, and where the person on whom the service is to be made resides outside of the State, or cannot, after due diligence, be found within the State, or conceals himself to avoid the service of summons, or is a foreign corporation having no managing or business agent, cashier or secretary within the State, and the fact appearing, by affidavit, to the satisfaction of the Court or Judge thereof, and it also appearing by such affidavit or by the verified complaint on file that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action, such Judge may make an order that the service be made by publication of summons. Service by publication and proof of service of a copy of the summons and complaint in actions under this title shall be sufficient, if made in accordance with sections four hundred and thirteen and four hundred and fifteen of this Code.

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

CHAPTER CXCVI.

An Act to add an additional section to the Penal Code, to be known as section one hundred and fifty-nine and a half, making it a misdemeanor to advertise to obtain a divorce, or to aid therein.

[Approved March 31, 1891.]

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

An additional section is hereby added to the Penal Code, to be known as section one hundred and fifty-nine and a half, as follows:

159½. Whoever advertises, prints, publishes, or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice of any kind offering to procure, or to aid in procuring, any divorce, either in this State or elsewhere, shall be guilty of a misdemeanor. This Act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this State.

Advertis-
ing to
procure
divorces a
misde-
meanor.

CHAPTER CXCVII.

An Act authorizing the Controller and Treasurer to transfer to the General Fund all moneys to the credit of the Construction Fund of Drainage District No. 1, and also from time to time to transfer to the General Fund all moneys that may hereafter be paid into said Construction Fund of Drainage District No. 1.

[Approved March 31, 1891.]

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

SECTION 1. The Controller is hereby authorized to transfer to the General Fund all moneys to the credit of the Construction Fund of Drainage District Number One, and also from time to time to transfer to the General Fund all moneys that may hereafter be paid into the Construction Fund of Drainage District Number One.

Controller
to transfer
funds.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCVIII.

106 Cal 113
unavailable in law
 An Act fixing a bounty on coyote scalps.

[Approved March 31, 1891.]

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

Five dollars to be paid for each coyote scalp.

SECTION 1. Any person who shall kill and destroy any coyote or coyotes, in any county of this State, after the passage of this Act, shall be paid a bounty of five dollars, out of the General Fund in the State Treasury, for each coyote so destroyed.

Affidavit required.

SEC. 2. Any person who may kill and destroy a coyote as provided in the last section, may go before any person authorized to administer oaths, and present the scalp, containing the ears and nose of the coyote destroyed, to such officer and make and subscribe to an affidavit showing the time and place that such animal was killed, which scalp and affidavit may be deposited with the Clerk of the Board of Supervisors of the county in which such coyote was killed.

Certificate of Clerk.

SEC. 3. The Board of Supervisors of each county of the State shall, quarterly, determine the number of scalps deposited with the Clerk of such Board during the preceding quarter, and by whom, and shall give to each person who may have deposited scalps a certificate certified by its Clerk, showing the number of scalps deposited by such person and the sum due him at the rate of five dollars for each scalp. Such certificate may be presented to the Controller of State, who may draw his warrant on the General Fund in the State Treasury for the sum named therein, in favor of the person entitled thereto.

Scalps to be destroyed.

SEC. 4. When the certificate named in the last section is directed to be drawn, the Board of Supervisors shall, at the same time, cause the scalps to be destroyed by fire.

SEC. 5. No bounty shall be paid for any scalp unless presented within three months after the coyote is killed.

CHAPTER CXCIX.

An Act to provide a salary for the Keeper of the Archives in the office of the Secretary of State, for the balance of the forty-second fiscal year.

[Approved March 31, 1891.]

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

Salary of Keeper of Archives.

SECTION 1. The sum of five hundred and eighty-three dollars and thirty-three cents is hereby appropriated out of any moneys not otherwise appropriated, to pay the salary of the Keeper of the Archives in the office of the Secretary of State, for the remaining three and a half months of the forty-second

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fiscal year, and the Controller is directed and required to draw his warrant for the same, and the Treasurer to pay it.

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

CHAPTER CC.

An Act appropriating money to pay the salary of phonographic reporter in the Attorney-General's office, from the first of April to the first of July, 1891.

[Approved March 31, 1891.]

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, payable out of any money in the State Treasury not otherwise appropriated, to pay the salary of the phonographic reporter in the office of the Attorney-General, from the first of April to the first of July, eighteen hundred and ninety-one. Said salary shall be payable in the same manner as the salaries of other State officers.

Salary of
phono-
graphic
reporter.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCI.

An Act to amend section one thousand and ninety-six of the Political Code of the State of California, in relation to registration of voters.

[Approved March 31, 1891.]

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

SECTION 1. Section ten hundred and ninety-six is amended so as to read as follows:

1096. Such entry must show:

1. The name at length.
2. The age, omitting fractions of years.
3. The height.
4. The complexion.
5. The color of eyes.
6. The color of hair.
7. The visible marks or scars, if any, and their locality.
8. The country of nativity.
9. The place of residence (giving the ward or precinct).
10. If naturalized, the time and place of naturalization.
11. The date of the entry of each person; each name must be numbered in the order of its entry.
12. The Post Office address at date of entry of each person.

Entry of
registration
of
voters.

CHAPTER CCII.

An Act making an appropriation to pay the Journal Clerk of the Assembly for completing the Journal of the Assembly (twenty-sixth session of the Legislature).

[Approved March 31, 1891.]

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

Appropriation to pay Journal Clerk of twenty-sixth session.

SECTION 1. The sum of one hundred and fifty (\$150) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of F. J. Brandon, Journal Clerk of the Assembly (twenty-sixth session of the Legislature), for completing the Journal of the Assembly (twenty-sixth session).

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for said claim in favor of the said F. J. Brandon, named in section one of this Act, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CCIII.

An Act making an appropriation to pay the Assistant Journal Clerks of the Senate (twenty-sixth session of the Legislature), for completing the Journal of the Senate.

[Approved March 31, 1891.]

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

Appropriation to pay Assistant Journal Clerks, twenty-sixth session.

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of the Assistant Journal Clerks of the Senate (twenty-sixth session of the Legislature) for completing the Journal of the Senate (twenty-sixth session), as follows: C. S. McMullan, one hundred and fifty dollars; John McNulty, one hundred and fifty dollars.

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

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

CHAPTER CCIV.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be known as section two hundred and eighteen, relating to train wrecking and the punishment thereof.

[Approved March 31, 1891.]

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

SECTION 1. A new section, to be known as section two hundred and eighteen, to the Penal Code of the State of California is hereby added, to read as follows:

218. Every person who shall unlawfully throw out a switch, remove a rail, or place any obstruction on any railroad in the State of California, with the intention of derailing any passenger, freight, or other train, or who shall unlawfully board any passenger train with the intention of robbing the same, or who shall unlawfully place any dynamite or other explosive material, or any other obstruction, on the track of any railroad in the State of California, with the intention of blowing up or derailing any passenger, freight, or other train, or who shall unlawfully set fire to any railroad bridge or trestle, over which any passenger, freight, or other train must pass, with the intent of wrecking said train, upon conviction shall be adjudged guilty of felony, and shall be punished with death or imprisonment in the State Prison for life, at the option of the jury trying the case.

Train wrecking to be punished with death or imprisonment for life.

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

CHAPTER CCV.

An Act to encourage the cultivation of ramie in the State of California, to provide a bounty for ramie fiber, and to make an appropriation therefor; to appoint a State Superintendent of Ramie Culture, and make an appropriation for his salary.

[Approved March 31, 1891.]

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

SECTION 1. For the purpose of encouraging the cultivation of ramie in the State of California, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the forty-third fiscal year the sum of five thousand dollars, and for the forty-fourth fiscal year the sum of five thousand dollars.

\$5,000 appropriated to encourage ramie cultivation.

State Board of Agriculture to control appropriation.

SEC. 2. Said appropriation shall be under the direction and control of the State Board of Agriculture, and may be expended as said society may direct, either for the purchase of ramie roots for free distribution to farmers, or in the payment of a bounty for merchantable ramie fiber; but no greater sum than one thousand dollars shall be paid in any one year for the purchase of ramie roots, and no greater amount than one cent per pound shall be paid as a bounty for merchantable ramie fiber. Any portion of said appropriation for the forty-third fiscal year remaining unexpended may be used by the State Board of Agriculture for the payment of bounties during the forty-fourth fiscal year.

How appropriation is paid.

SEC. 3. The State Controller shall draw his warrant upon the State Treasurer for the amount appropriated for each fiscal year, in favor of said State Board of Agriculture, or the proper officers thereof, in the same manner as other appropriations are drawn upon and paid to said State Board of Agriculture, and the Treasurer shall pay the same.

State Superintendent to be appointed.

SEC. 4. Immediately after the passage of this Act the State Board of Agriculture shall appoint a State Superintendent of Ramie Culture, who shall hold office for two years from the first day of March, eighteen hundred and ninety-one, or from the date of his appointment. It shall be his duty from time to time to visit the different portions of the State suitable for ramie culture; to confer and advise with farmers of the State, Board of Agriculture, and others, in regard to the introduction and cultivation of the ramie plant. He shall collect statistics and other information, showing the condition and progress of the ramie culture through the United States, and shall correspond with various societies and individuals, both at home and abroad, who are engaged in the promotion of the ramie culture, and shall prepare a full report thereof, to be made to the State Board of Agriculture, annually, for their publication. The State Superintendent of Ramie Culture shall receive a salary of one hundred dollars per month, to be paid by warrants drawn by the State Controller, and paid by the State Treasurer, in the same manner as the salary of other State officers is paid. Said salary of one hundred dollars per month shall be in full for all expenses, traveling and otherwise, of said Superintendent of Ramie Culture, except necessary stationery for conducting the official business and correspondence of his office, which shall be furnished by the Secretary of State in the same manner as furnished to other State officers. The office of State Superintendent of Ramie Culture shall cease with the appropriations made in this Act.

Salary.

SEC. 5. For the payment of the salary of the State Superintendent of Ramie Culture, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the forty-second fiscal year, the sum of four hundred dollars; for the forty-third fiscal year, the sum of twelve hundred dollars, and for the forty-fourth fiscal year, the sum of eight hundred dollars.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCVI.

An Act to prevent the placing or keeping or leaving of married women in houses of prostitution, and to punish persons therefor.

[Approved March 31, 1891.]

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

SECTION 1. Any man who by force, fraud, intimidation, threats, persuasions, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at, consents to, or permits the placing or leaving of his wife in a house of prostitution, or allows or permits his wife to remain therein, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the State Prison for not less than three years nor more than ten years.

Felony to place or keep married women in house of prostitution.

SEC. 2. In all prosecutions under this Act, the wife shall be a competent witness against the husband.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCVII.

An Act to amend the Civil Code, relative to articles of incorporation.

[Approved March 31, 1891.]

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

Section two hundred and ninety of the Civil Code is amended to read as follows:

290. Articles of incorporation must be prepared, setting forth:

What articles of incorporation must contain.

1. The name of the incorporation.
2. The purpose for which it is formed.
3. The place where its principal business is to be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of its Directors or trustees, which shall not

Directors.

be less than five nor more than eleven, and the names and residence of those who are appointed for the first year; *provided*, that the corporate powers, business, and property of corporations formed or to be formed for the purpose of erecting and managing halls and buildings for the meetings and accommodation of several lodges or societies of any benevolent or charitable order or organization, and in connection therewith the leasing of stores and offices in such building or buildings for other purposes, may be conducted, exercised, and controlled by

Provisions as to lodges and societies.

Directors increased or diminished.

Constitution and by-laws govern number and service.

a Board of not less than five nor more than fifty Directors, to be chosen from among the stockholders of such corporation, or from among the members of such order or organization; *and provided, also*, that at any time during the existence of corporations for profit, other than those of the character last hereinabove provided for, the number of the Directors may be increased or diminished, by a majority of the stockholders of the corporation, to any number not exceeding eleven nor less than five, who must be members of the corporation; whereupon, a certificate, stating the number of Directors, must be filed, as provided for in section two hundred and ninety-six for the filing of the original articles of incorporation; *and provided, also*, that the corporate powers, business, and property of corporations formed, or to be formed, for social purposes, and not directly for profit, may be exercised, conducted, and controlled by a Board, consisting of such number of Directors as may be in the constitution or by-laws provided; and corporations so formed may, in their constitution or by-laws, provide for the length of time that the Directors, or any number thereof, shall act, and may, in like manner, provide that certain Directors, or a certain number of the Board of Directors, to be selected by the corporation or the Board of Directors, in the mode and manner provided in the constitution or by-laws, shall act for any specified length of time, or otherwise, as shall be in the constitution or by-laws set forth.

6. The amount of its capital stock, and the number of shares into which it is divided.

7. If there is a capital stock, the amount actually subscribed, and by whom.

CHAPTER CCVIII.

An Act to amend section three thousand four hundred and sixty of the Political Code of the State of California, in reference to making assessments on land in swamp land districts.

[Approved March 31, 1891.]

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

SECTION 1. Section three thousand four hundred and sixty is hereby amended so as to read as follows:

Swamp Land Districts.

Errors to be corrected.

3460. The Commissioners appointed by the Board of Supervisors must make a list of the charges assessed against each tract of land; and if there be any error or mistake in the description of the land, or in the name of the owner, or if any land which should be assessed has been or shall be omitted from the list, or if there is any error or mistake in any other respect, the Commissioners shall amend or correct the same at any time, either before or after the lists shall have been filed with the Treasurer of the county.

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

CHAPTER CCIX.

An Act to add an additional section to the Political Code, to be numbered four thousand two hundred and fifty-nine, relating to the qualifications of District Attorney.

[Approved March 31, 1891.]

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

SECTION 1. An additional section is added to the Political Code, to be numbered four thousand two hundred and fifty-nine, as follows:

4259. No person shall hold the office of District Attorney who has not been admitted by the Superior Court of this State to practice as an attorney and counselor at law.

Qualifications of District Attorney.

CHAPTER CCX.

An Act to amend section seven of an Act entitled "An Act to create a Police Relief, Health, and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State."

[Approved March 31, 1891.]

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

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

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

Police Relief Fund.

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

CHAPTER CCXI.

An Act to amend section thirty-four hundred and sixty-six of the Political Code, relating to the collection of assessments made by Commissioners of Assessment in reclamation districts of this State.

[Approved March 31, 1891.]

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

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

Reclama-
tion
Districts.
Unpaid as-
sessments
bear
interest.

3466. At the end of thirty days, the Treasurer must return the list to the Board of Trustees of the district, and all unpaid assessments shall bear legal interest from the date of the return of the list to said Board, and shall thereafter be collected and paid in separate installments, of such amounts, and at such times, respectively, as the Board, from time to time, in its discretion, may, by order entered in its minutes, direct; and a cause of action for the collection of any such installment shall accrue at the expiration of twenty days from the date of the order directing its payment; *provided*, that if any such installment shall remain unpaid at the expiration of said twenty days, then the whole of the assessment against the land owned by the person failing to pay such installment shall become due and payable at once, and may, in the discretion of the Board, be collected immediately, in one and the same action. The Board of Trustees of the district must commence actions for the collection of such delinquent installments and delinquent assessments, with interest thereon, and costs, and for the enforcement of the lien on the land assessed, in the Superior Court of the county in which the land is situated, against the person to whom the same shall have been assessed; and if assessed to "unknown owners," then against the real owners, giving a full description by legal subdivisions or definite boundaries, and all persons having or claiming any interest therein, by fictitious names; or, if the person to whom the land was assessed shall have conveyed the same to any other person or persons subsequently to the levy of such assessment, and such other person or persons shall be known to the Board of Trustees of the district to be the owner or owners of the land at the date of the commencement of the action—or if, at the date of the commencement of the action, the owner of the land assessed to "unknown owners" shall be known to the Board—then (in either of the last mentioned two events) against the then owner or owners of the land assessed. Service of complaint and summons in such action may be made, either in the manner prescribed by the Code of Civil Procedure, or, if the owner is unknown, or cannot be found, by posting a copy of the summons at the Court House door, and publishing the same once

Action for
collection.

Assess-
ments of
unknown
owners.

Service of
complaint.

a week for four successive weeks in a newspaper published in the county; and such posting and publication is equivalent to personal service on all persons having or claiming any right, title, or interest in the land assessed to unknown owners, whether named as a party in such action or not. Proof of such posting and publication must be made by the certificate of the Sheriff, or the affidavit of the party making the service. In case the service be made by posting and publication, the defendant, or any person claiming any interest in the land assessed, may appear and answer the complaint within forty days after the expiration of the four weeks of posting and publication. Assessments on several tracts may be included in the same action, if listed to the same person. In all actions for the collection of delinquent assessments, the Court may decree and adjudge a lien against each tract for the amount assessed against the same, and may order it to be sold on execution or decree, as in other cases of sale of real estate. The judgment or decree must direct that the sale be made for gold and silver coin of the United States. The Board of Trustees must pay the moneys collected to the County Treasurer, who must place the same to the credit of the district.

Proof of publication.

Liens.

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

CHAPTER CCXII.

An Act to provide for, insure, and maintain preference in the appointment, employment, and retention in the public service, and upon public works of the State of California, of honorably discharged ex-Union soldiers, sailors, and marines of the War of the Rebellion.

[Approved March 31, 1891.]

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

SECTION 1. In every department, upon all public works, whether under contract or not, in all offices, employments, places, and positions of trust or profit of this State, honorably discharged ex-Union soldiers, sailors, and marines of the War of the Rebellion must be preferred for appointment, employment, and retention therein; and age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them; *provided*, they possess the capacity necessary to fill the position; and persons thus preferred or appointed, unless appointed or employed for a definite statutory period, shall not be dismissed from such positions, offices, or employments, except upon charges, after a hearing, and for just cause.

Honorably discharged Union soldiers and sailors preferred in employment.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXIII.

An Act providing for the cancellation of certain receipts which were directed by law to be received as cash by the State Treasurer; and authorizing the Controller and Treasurer to make the proper entries in the books of their respective offices.

[Approved March 31, 1891.]

Preamble. WHEREAS, On the twenty-fourth day of November, in the year eighteen hundred and eighty-four, it was discovered that Arthur D. January, then Deputy State Treasurer, had abstracted the sum of thirty-nine thousand five hundred and forty-two dollars and twenty-seven cents from a sack in the State Treasury containing fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents and belonging to certain County Treasurers; and whereas, the balance of said money was thereupon taken in charge by the State Board of Examiners and by them put in charge of Hon. Frederick Cox and removed from the State Treasury; and whereas, none of this money was the property of the State, but belonged to those certain County Treasurers for the use of the common schools of their respective counties; and whereas, as provided by subsequent law, the receipts given to said County Treasurers by the State Treasurer for these moneys subsequently abstracted, were required to be received and counted as cash and are now so counted, thus making a discrepancy to the amount of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents between the amount of money actually in the State Treasury as compared with the amount really in the Treasury; and whereas, this discrepancy will continue until it can by law be adjusted; and whereas, it is important that the accounts between the offices of the Controller and Treasurer shall show the actual cash conditions only; therefore,

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

StateTreas-
urer to
cancel
receipts.

SECTION 1. The State Treasurer, in the presence of the State Board of Examiners and the Controller, is hereby authorized to cancel the receipts given by W. A. January, as State Treasurer, for school moneys left in his charge by the following named County Treasurers, in the amounts set opposite their respective names, as follows, to wit:

List of
receipts
to be
canceled.

4. January 24, 1884. J. Scott, Treasurer Sierra County, \$139 48. April 25, 1885.

13. February 28, 1884. S. Turner, Treasurer Humboldt County, \$10,000. April 27, 1885.

16. April 23, 1884. J. D. Skinner, Treasurer El Dorado County, \$2,100. April 29, 1885.

17. April 25, 1884. J. Scott, Treasurer Sierra County, \$1,686 02. April 28, 1885.

18. April 29, 1884. H. S. Turner, Treasurer Humboldt County, \$568 95. April 27, 1885.

20. June 14, 1884. U. Undart, Treasurer Santa Barbara County, \$936 08. June 29, 1885.

21. June 16, 1884. Z. B. Pinkham, Treasurer Mono County, \$996 93. February 1, 1886.

23. June 17, 1884. James Fowzer, Treasurer Mendocino County, \$17,054. January 28, 1886.

24. June 17, 1884. U. Hartnett, Treasurer Monterey County, \$1,899 56. July 6, 1885.

26. August 19, 1884. U. Undart, Treasurer Santa Barbara County, \$5,553 24. June 29, 1885.

27. August 21, 1884. William Jorres, Treasurer San Diego County, \$3,769 92. July 6, 1885.

28. October 16, 1884. R. B. Hathway, Treasurer Contra Costa County, \$9,000. July 23, 1885.

416. January 18, 1884. John Cronkite, Treasurer Alpine County, \$48 59. January 27, 1886.

Total, \$53,752 77.

The whole amounting to fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

SEC. 2. The Controller shall draw his warrants in favor of the State Treasurer against each one of the funds affected by said Treasurer's receipts, in the proportion that each fund, through its proper percentage, bears to the whole amount of said receipts; and the payment of such warrants shall be effected by the cancellation of said receipts. Duty of
Controller.

SEC. 3. The aforesaid sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents shall then be deducted from the amount of money shown to be in the State Treasury, and a record of such cancellation and deduction shall be made upon the books of the Controller and Treasurer, as well as upon those of the State Board of Examiners, setting forth compliance with the provisions of this Act; and these records shall thereby have the effect of working a credit in behalf of the State Treasurer to the amount of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents, from the amount standing charged against him as State Treasurer. Duties of
other
officers.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXIV.

An Act to amend an Act entitled "An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March 18, 1885, and to provide for Clerks of Police Courts in cities of twenty-six thousand and under fifty thousand inhabitants.

[Approved March 31, 1891.]

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

SECTION 1. An Act entitled "An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof," approved March eighteenth, eighteen hundred and eighty-five, is hereby amended so as to read as follows:

Judicial
power.

Section 1. The judicial power of every city having thirty thousand and under one hundred thousand inhabitants, shall be vested in a Police Court, to be held therein by the City Justices, or one of them, to be designated by the Mayor, but either of said City Justices may hold such Court without such designation, and it is hereby made the duty of said City Justices, in addition to the duties now required of them by law, to hold said Police Court.

Jurisdiction
of
Police
Courts.

Section 2. The Police Court shall have exclusive jurisdiction of the following public offenses committed in the city:

First—Petit larceny.

Second—Assault or battery not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

Exclusive,
jurisdiction.

Section 3. Said Court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

When
Justices
are dis-
qualified
from
trying
cases.

Section 4. Neither of said Justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of the City Justices, either of them may call in a Justice of the Peace residing in the county to act in his place and stead.

Power of
Justices
acting as
Police
Judges.

Section 5. Each of the City Justices, while acting as Judge of said Court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and punish persons guilty of contempt of Court, and shall

have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction, and in such of the cases enumerated in this section in which trial by jury is not secured by the Constitution of the State, he may proceed to judgment in the first instance without a jury; but on appeal, the defendant shall be entitled to trial by jury in the Superior Court.

Section 6. The Police Court, in all cities having more than twenty-six thousand and less than fifty thousand inhabitants, shall have a Clerk, to be appointed by the Judge of said Court, who shall hold office for the period of two years from the date of his appointment. He shall receive an annual salary of one thousand eight hundred dollars, payable monthly out of the Treasury of said city, which salary shall be full compensation for all services rendered by him. The Clerk shall keep a record of the proceedings of and issue all process ordered by the City Justices, or either of them, or by said Police Court, and receive and pay into the City Treasury all fines imposed by said Court. He shall, also, each month render to the City Council an exact and detailed account, upon oath, of all fines imposed and uncollected since his last report. He shall prepare bonds, justify bail when the amount has been fixed by either of the City Justices or said Court, in cases not exceeding one hundred dollars, and may administer and certify oaths. The Clerk shall remain at the Court-room of said Court during the business hours, and during such reasonable times thereafter as may be necessary for discharging his duty. Before receiving his salary each or any month, he shall make and file with the Auditor an affidavit that he has deposited with the City Treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.

Section 7. All fines and other moneys collected on behalf of the city in the Police Court shall be paid into the City Treasury on the first Tuesday of each month, and all bills for fees and costs due the officers of said Court shall be reported to the City Council each month.

Section 8. Rooms and Dockets. The City Council shall furnish a suitable room for the holding of said Court, and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest, and each case shall be properly indexed.

Section 9. The Police Court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other Courts of this State.

Clerks.

Salary.

Record.

Accounts.

Office hours.

Deposit funds.

Fines collected.

Rooms and dockets.

When Courts must be open.

Appeals. Section 10. Appeals may be taken from any judgment of said Police Court to the Superior Court of the county in which such city may be located, in the same manner in which appeals are taken from Justice's Courts in like cases.

Where persons convicted, to be imprisoned. Section 11. In all cases of imprisonment of persons convicted in said Police Court of any offense committed in the city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail; or, if required to labor, shall labor in the city.

Seal. Section 12. Said Courts shall have a seal, to be furnished by the city.

City cases. Section 13. City Cases. The City Justices shall, on the first Tuesday of each month, make to the City Council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the City Civil Docket or the City Criminal Docket; such report to be made upon blanks furnished by the City Council, and in such form as they may require.

Transcript. Section 14. Certified transcripts of the dockets made by the Clerk of the said Court, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket; and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State.

Section 15. This Act shall be in force and effect from and after its passage.

CHAPTER CCXV.

An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.

[Approved March 31, 1891.]

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

Lost warrants. SECTION 1. Whenever any warrant legally drawn by the Controller of State shall have been lost or destroyed before the same has been paid by the State Treasurer, the amount due thereon may be recovered by the legal owner or custodian thereof, by filing with the Controller of State:

Affidavit. *First*—An affidavit setting forth the fact of the loss or destruction of such State warrant, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction of the same.

Bond. *Second*—A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the particular

warrant, which bond shall be referred to the Attorney-General and Controller of State for approval or rejection.

SEC. 2. It shall be the duty of the Attorney-General and of the Controller of State to examine and pass upon the sufficiency of the said bond, and to approve or reject the same, within thirty days after it shall have been filed with the Controller of State. Approval of bond.

SEC. 3. After the filing of the approved bond, the Controller of State is hereby authorized and directed to issue and deliver to the legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the Treasurer of State is hereby authorized and directed to pay the duplicate, in lieu of the original warrant. Duplicate warrant.

SEC. 4. The Controller and Treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed, and the issuance of duplicate warrants in lieu thereof. Entries on books.

CHAPTER CCXVI.

An Act to establish a uniform system of county and township governments.

[Approved March 31, 1891.]

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

SECTION 1. The several counties of this State as they now exist, and such other counties as may be hereafter organized according to law, are bodies corporate and politic, and as such have the powers specified in this Act, and such other powers as are necessarily implied. Counties are bodies corporate and politic.

SEC. 2. Its powers can only be exercised by the Board of Supervisors, or by agents and officers acting under their authority, or authority of law. Who may exercise powers.

SEC. 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties. Corporate name.

SEC. 4. It has power:

1. To sue and be sued.
 2. To purchase and hold land within its limits.
 3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
 4. To manage and dispose of its property as the interests of its inhabitants may require.
- Power of county.

5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

SEC. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. No county Credit not to be loaned.

How indebtedness created.

shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. An indebtedness or liability incurred contrary to this provision shall be void.

Liabilities void.

SEC. 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this Act shall be absolutely void, and shall never be the foundation or basis of a claim against the Treasury of such county. And all officers of said county are charged with notice of the condition of the Treasury of said county, and the extent of the claims against the same.

County officers liable on bonds.

SEC. 7. All Supervisors, and any other officer authorizing, or aiding to authorize, or auditing, or allowing any claim or demand upon or against said Treasury, or any fund thereof, in violation of any of the provisions of this Act, shall be liable in person, and upon their several official bonds, to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his or their claims.

District Attorney to sue to recover moneys illegally paid.

SEC. 8. Hereafter, whenever any Board of Supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any other county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized thereto by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of such county is hereby empowered, and it is hereby made his duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit; *and provided further*, that when the money has not been paid on such order or warrants, it is hereby made the duty of the District Attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, for restraining the payment of the same; and no order of the Board of Supervisors shall be necessary in order to maintain such suit.

Injunction.

Duty of Judge toward Grand Jury.

SEC. 9. It shall be the duty of the Superior Judge of each and every county, whenever a Grand Jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to specially note the result of such investigation in their report.

Classification of counties.

SEC. 10. The several counties of this State are hereby classified, and shall hereafter remain classified, according to their

population, as ascertained by the Federal census taken in the year eighteen hundred and ninety. And hereafter, whenever a new census is taken, the Secretary of State shall, as soon as the same shall be officially ascertained by him, certify to the County Clerks of the several counties in this State, the population of each county as determined by such new census; and on the even numbered years thereafter, the several counties are, by operation of law, classified thereunder; but such classification shall not operate to change the government of the county then in existence until the first Monday after the first day of January next succeeding; except that the Board of Supervisors shall provide for the election of officers and such other matters as shall be necessary to put the county government in operation on the said first Monday after the first day of January, in accordance with the new classification.

To affect counties at fixed date.

SEC. 11. The county seats of the respective counties of this State, as now fixed by law, are hereby recognized as and declared to be the county seats of the respective counties. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal.

County seats.

SEC. 12. Whenever there shall be presented to the Board of Supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the Board of Supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof; but a proposition of removal of a county seat shall not be submitted in the same county more than once in four years.

Removal thereof.

BOARD OF SUPERVISORS.

SEC. 13. Each county must have a Board of Supervisors, consisting of five members.

Super-
visors.

SEC. 14. Each member of the Board of Supervisors must be an elector of the district which he represents, and must have been such for at least one year immediately preceding his election, and shall be elected by such district, and not at large.

Qualifica-
tion.

SEC. 15. The Supervisors elected at the general elections held in the years eighteen hundred and eighty-eight and eighteen hundred and ninety, and every four years thereafter, shall hold office for four years. They shall take their office on the first Monday after the first day of January after their election.

Term of
office.

SEC. 16. The Board of Supervisors may, by a two-thirds vote of the members of said Board, change the boundaries of any or all of the Supervisor districts of a county; *provided, however,* that said districts shall be kept as nearly equal in population as may be; *and provided further, however,* that the

Bound-
aries of
districts.

boundaries of no Supervisor district shall at any time be changed in such a manner as to affect the term of office of any Supervisor who has been elected, and whose term of office for which he has been elected has not expired; *and provided further*, that no change in the boundaries of any Supervisor district shall be made within the ninety days next preceding a general election.

Vacancies. SEC. 17. Whenever a vacancy occurs in the Board of Supervisors of a county, the Governor may fill the vacancy by appointment, and the appointee shall hold the office until the election and qualification of his successor, as hereinafter provided.

How filled. Whenever a vacancy occurs in the Board of Supervisors of a county, the Board shall order a special election, to be held in said district on the fifth Tuesday after the vacancy occurs, for the election of a Supervisor for the unexpired term, unless a general election shall be held within ninety days after the vacancy occurs; and in such case the election of a Supervisor shall be held at the general election, to fill the vacancy for the unexpired term.

Chairman. SEC. 18. The Supervisors shall elect a Chairman, who must preside at all meetings of the Board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as Chairman temporarily. Any member of the Board may administer oaths to any person, when necessary in the performance of his official duties. Not less than three members shall constitute a quorum for the transaction of business, but no act of the Board shall be valid or binding unless three members concur therein.

Quorum.

Clerk. SEC. 19. The County Clerk is ex officio Clerk of the Board of Supervisors. The records and minutes of the Board must be signed by the Chairman and the Clerk.

CLERK OF BOARD.

Duties of Clerk. SEC. 20. The Clerk of the Board must:

1. Record all the proceedings of the Board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

List of allowed claims.

4. Immediately after the adjournment of each meeting of the Board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the Chairman of the Board, and thereafter said Clerk shall deliver to and leave with the Auditor one of said lists, and shall deliver to and leave with the Treasurer the other list.

5. File and preserve the reports of the County Treasurer of the receipts and disbursements of the county. Duties of Clerk.

6. Preserve and file all accounts acted upon by the Board.

7. Preserve and file all petitions and applications for franchises, and record the action of the Board thereon.

8. Authenticate with his signature and seal of the Board the proceedings of the Board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the Board all ordinances or laws passed by the Board, and to record the same at length in the "Ordinance Book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law or any rule or order of the Board.

SEC. 21. The Board must cause to be kept:

1. A "Minute Book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings. Minute Book.

2. An "Allowance Book," in which must be recorded all orders for the allowance of money from the County Treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year. Allowance Book.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts. Road Book.

4. A "Franchise Book," containing all franchises granted by them, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required. Franchise Book.

5. A "Warrant Book," to be kept by the County Auditor, in which must be entered, in the order of drawing, all warrants drawn on the Treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee. Warrant Book.

6. An "Ordinance Book," in which must be entered all ordinances or laws duly passed by the Board. Ordinance Book.

SEC. 22. The Board of Supervisors must, by ordinance, provide for the holding of regular meetings of the Board at their respective county seats. Regular meetings.

SEC. 23. If at any time the business of the county requires a meeting of the Board, a special meeting may be ordered by a majority of the Board. The order must be signed by the members calling such meeting, and must be entered in the minutes of the Board. Five days' notice of such meeting must be given by the Clerk to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other than that specified must be transacted at such special meeting. Special meetings.

SEC. 24. All meetings of the Board must be public, and the books, records, and accounts must be kept at the office of the Clerk, open at all times for public inspection, free of charge. Meetings to be public.

GENERAL PERMANENT POWERS OF BOARD.

General powers.

SEC. 25. The Boards of Supervisors, in their respective counties, have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise all county officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection.

Divide counties into districts.

2. To divide the counties into townships, election, school, road, Supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Election precincts.

3. To establish, abolish, and change election precincts, and to appoint Inspectors and Judges of Election, canvass all election returns, declare the result, and order the County Clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed, within thirty days prior to any election.

Roads, bridges, etc.

4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of the erection of any bridge exceeds the sum of five hundred dollars, they must advertise for bids, together with plans and specifications, strain-sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract. And the person or corporation whose plans are adopted, and to whom the contract is awarded, shall be required to execute a bond, to be approved by said Board, for the faithful performance of such contract; *provided*, that the Road Commissioners in their respective districts shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole Board, they may proceed at once to replace or repair any and all bridges and structures without notice.

Maintain hospitals and poor-houses.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect, officer, and maintain hospitals and poorhouses, in their discretion, therefor, or otherwise provide for the same; and for such purposes to levy the necessary property or poll tax, or both, therefor; *provided*, the Board of Supervisors shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poorhouses, and the Board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor.

County farm.

6. To provide a farm in connection with the county hospital or poorhouse, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

8. To purchase, receive by donation, or lease, any real or personal property or water rights necessary for use of the county; and to purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same to preserve, take care of, and manage and control the same; but no purchase of real property must be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the Board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then by posting such notice at least three weeks prior to the time when the Board will meet to consummate such purchase, in at least three public places in each Supervisor district.

9. To cause to be erected, or rebuilt and furnished, a Court House, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until the plans and specifications shall have been made therefor and adopted by the Board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least sixty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

10. To sell at public auction, at the Court House door, after thirty days' previous notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey, to the highest bidder for cash, any property belonging to the county no longer required for public use, paying the proceeds into the County Treasury for the use of the county.

11. To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the County Treasurer therefor.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

Fund and
refund
debt.

14. The Board of Supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all members thereof, are empowered, if they deem it for the public interest, to fund and refund the same, and issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually, which bonds shall be substantially in the following form:

Form of
bond.

No. ——. The county of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said county, in —, on the first day of —, eighteen hundred and —, or at any time before that date, at the pleasure of the county, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent per annum, payable at the office of said Treasurer, semi-annually, on the first day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors, in conformity with a resolution of said Board, dated the — day of —, eighteen hundred and —, and under authority conferred upon said Board by the provisions of an Act of the Legislature of California entitled "An Act to establish a uniform system of county governments," approved (insert date of approval of this Act).

In testimony whereof, the said county, by its Board of Supervisors, has caused this bond to be signed by the Chairman of the Board, and attested by the Auditor, with the county seal attached, this — day of —, eighteen hundred and —.

—, Chairman of the Board of Supervisors.

Attest: —, Auditor.

And the interest coupon shall be in the following form:

Form of
coupon.

The Treasurer of — County, California, will pay to the holder hereof, on the — day of —, eighteen hundred and —, at his office, in —, — dollars, gold coin, for interest on County Bond No. —.

—, County Auditor.

Treasurer
to be
custodian
of bonds.

(b) Whenever bonds issued under this chapter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange them under the direction of the Board of Supervisors, on the best available terms, for any legal indebtedness of the county outstanding on the first day of January, eighteen hundred and eighty, but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange; and if any portion of such bonds are sold for money, the proceeds thereof shall be

applied exclusively for the payment of liabilities existing against the county at and before the date above named. When they are exchanged for bonds or warrants, or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bonds and such other evidences of indebtedness, by indorsing on the face thereof the amount for which they were received, the word "canceled," and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, the name and Post Office address of purchasers, and, if exchanged, what evidence of indebtedness was received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the Treasurer of such sale or transfer, giving at the same time the number of the bonds transferred and his Post Office address, and every transfer shall be noted on the record. The Treasurer shall also report, under oath, to the Board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of Supervisors of said county. No sale shall be made of any such bond except to the highest bidder, after advertising for bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, the right being reserved in such advertisement to reject any and all such bids.

Exchange of bonds.

Transfer of bonds.

Report of Treasurer.

Advertising.

(c) The Board of Supervisors shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this Act, accruing before the next annual levy, and such proportions of the principal that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued; at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the Bond Fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall at all times show the exact condition of said Bond Fund.

Tax levy for bond payments.

Bond Fund.

(d) Whenever the amount in the hands of the Treasurer belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds that he is prepared to pay the

How notice of redemption given.

same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his Post Office address, as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the Post Office address of the owner, as shown by the record kept in the Treasurer's office.

Interest to
cease.

State Board
of Equal-
ization to
arrange
payment,
if Super-
visors fail
to do so.

(e) If the Board of Supervisors of any county which has issued bonds under the provisions of this Act shall fail to make the levy necessary to pay such bonds or interest coupons, at maturity, and the same shall have been presented to the County Treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the State tax and paid into the State Treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

Public
pound.

15. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint Poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

16. To equalize assessments.

Assistant
counsel.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel to assist the District Attorney in conducting the same.

Insurance.

18. To insure the county buildings in the name of and for the benefit of the county.

Licenses toll
roads, etc.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

Salary
Fund.

20. To establish a Salary Fund, and also such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

Vacancies.

21. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the Board of Supervisors and elective county or township officers, except in those of

Judge of the Superior Court and Supervisor, the appointee to hold office for the unexpired term.

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the Board may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed, as is herein provided, it shall then be the duty of the Board of Supervisors, except counties of the first class, by ordinance, to appoint a "Board of Health," which shall consist of not less than three persons, and the members of the Board shall hold their offices for the term of two years, and shall serve without compensation. The Board of Health, so appointed, shall have a general supervision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, subject to the approval of the Board of Supervisors, to construct and maintain sewers; and in times of epidemics, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the Board of Supervisors, who may make appropriation therefor out of the Sanitary District Fund, derived from taxes levied in said district, and to be known as the Sanitary District Fund.

Preservation of health.

Board of Health.

Powers of Board.

23. The Boards of Supervisors of the several counties, cities and counties, in the State shall annually advertise for at least ten days in a newspaper of general circulation in the county (*provided*, that there be a newspaper published in the county), for sealed bids for furnishing the county, and its officers, for the ensuing year, with stationery. Such advertisement shall specify the kind of stationery to be furnished. All bids shall state separately the price of each article of stationery to be furnished. In considering such bids, the Board may accept or reject all or any of them, or may accept or reject a part of any such bid; and all such supplies furnished to the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the Board. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing and blank books, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and adver-

Bids for stationery.

Job printing, advertising, etc.

tising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; and in all cases bidders shall estimate by ems or squares for each class or character of work to be done; and no greater price shall be charged for similar work when done by authority of law, whether said work is done for the city, city and county, or for private individuals; *provided*, that a square of advertising shall be two hundred and forty ems nonpareil; *and provided further*, that no supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published, or whose place of business has not been established, in the county for one year or more prior to the time of fixing said prices; *provided*, that said supplies and advertisements shall be procured within the county when practicable.

Semi-annual statement.

24. The Board shall cause to be published a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and after each session of the Board a fair statement of all their proceedings.

Rules.

25. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

Seal.

26. To adopt a seal for their Board, a description and impression whereof must be filed in the office of the County Clerk and of the Secretary of State.

Licenses.

27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise.

Gophers.

28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Dog tax.

29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Game and fish.

29½. To make regulations for the protection of game and fish; when such regulations are made as provided in this section relating to game and fish, the laws of the State for the protection thereof are suspended in such county.

Working of prisoners.

30. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Inspection and measurement.

31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

Indigent dead.

32. To provide for the burying of the indigent dead.

Sanitary regulations.

33. To make and enforce, within the limits of their county, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

34. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, Giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

Gunpowder.

35. To do and perform all other acts and things required by law not in this Act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

General powers.

36. To authorize the District Attorney to appoint an Assistant District Attorney, if, in their judgment, it may be necessary for the proper discharge of the duties of the District Attorney, and to allow such Assistant District Attorney such compensation for his services as they may determine, not to exceed, unless otherwise in this Act provided, the sum of fifteen hundred dollars per annum.

Assistant District Attorney.

37. To appropriate from the General Fund of the county, unless otherwise in this Act provided, not to exceed, in counties of the first, second, third, and fourth classes, the sum of twenty-five hundred dollars, and in all other counties, the sum of one thousand (\$1,000) dollars in any one year, to aid in or carry on the work of inducing immigration thereto.

Inducing immigration.

38. To regulate and determine the kinds of nets and seines, and the size of the meshes thereof, to be used in fishing.

Nets and seines.

39. By proper ordinances, to enforce, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as is not in conflict with general laws.

Size of wagons and tires.

40. To appropriate from the General Fund of the county, for the purpose of securing and maintaining an adequate exhibition of the products of such county at the World's Columbian Exposition, to be held in Chicago in the year eighteen hundred and ninety-three, as follows: In counties of the first class, not to exceed fifty thousand dollars; in counties of the second, third, and fourth classes, not to exceed forty thousand dollars; and all other classes in this State of California, not to exceed seven thousand five hundred dollars.

World's Fair.

41. To grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

Franchises

SEC. 26. The enacting clause of all ordinances of the Board shall be as follows: "The Board of Supervisors of the county of — do ordain as follows." Every ordinance shall be signed by the Chairman of the Board and attested by the Clerk. On the passage of all ordinances the votes of the several members of the Board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the Board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be pub-

Ordinances.

To be published.

lished, with the names of the members voting for and against the same, for at least one week in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the Court House door at least one week. An order entered in the minutes of the Board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

Sheriff's
duties.

SEC. 27. The Board of Supervisors shall have power to direct the Sheriff to attend, in person or by deputy, all the meetings of the Board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the Board.

Subpoena
may issue.

SEC. 28. Whenever the Board of Supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such Board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the Chairman of such Board shall issue a subpoena, in proper form, commanding such person or officer to appear before such Board, at a time and place therein specified, to be examined as a witness, and such subpoena may contain a clause requiring such person or officer to produce on such examination all books, papers, and documents in his possession, or under his control, relating to the affairs or interests of the county.

Service.

SEC. 29. It shall be the duty of the Sheriff or any Deputy Sheriff of the county, to whom the subpoena may be delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

Powers of
committee.

SEC. 30. Whenever the Board of Supervisors shall have appointed any member of their body a committee upon any subject or matter of which the Board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, the Chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the Chairman of the Board of Supervisors.

Contempt.

SEC. 31. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, according to the exigency of such subpoena, or shall refuse to testify before such Board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the Chairman of the Board, or of the committee, as the case may be, to report the fact to the Judge of the Superior Court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the Court of which he shall be Judge, directed

Attach-
ment.

to the Sheriff of the county where such witness was required to appear and testify, commanding the said Sheriff to attach such person, and forthwith bring him before the Judge by whose order such attachment was issued.

SEC. 32. On the return of the attachment and the production of the body of the defendant, the said Judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted, as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a Superior Court. Punishment.

SEC. 33. The witnesses summoned to testify on behalf of the county in matters of public concern before the Board of Supervisors are not entitled to have their fees prepaid; but the Board must allow them reasonable compensation for the expenses of their attendance. Witness fees.

SEC. 34. The Board must provide printed copies of the Great Register, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers. Great Register.

SEC. 35. Whenever, as canvassers, the Board of Supervisors have declared the result of an election held in the county, certificates must be, by the County Clerk, issued to all persons elected to a county office, or to a township or district office therein, and such other certificates must be made out and transmitted as required by law. Certificates of election.

SEC. 36. The Board must not, for any purpose, contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liability, in any manner or for any purpose, except as permitted in section five of this Act, exceed in any fiscal year the income and revenue provided for such year. It shall be the duty of the Auditor, at the commencement of each regular session of the Board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the Board shall have levied the State and county tax for the fiscal year, the Auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. The Board shall have no power to make allowances against any fund which, with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the Auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Debts. Duty of Auditor. Delinquencies.

Any allowance made contrary to the provisions of this section shall be null and void, and the Auditor shall not draw his warrant therefor, nor the Treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the Auditor.

Order of Allowance.

Bonded indebtedness.

To be submitted at an election.

Notices.

Two-thirds vote.

Sinking Fund.

Change of plans for buildings.

Change of contract.

SEC. 37. The Supervisors can only contract a bonded indebtedness other than such as is authorized by section twenty-six of this Act, as follows: They shall, by order, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which they propose to issue; and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the Board for that purpose. If a special election, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held, as nearly as possible, in conformity with the general election law of this State. Notice shall be given of such election, by publication in some newspaper or newspapers published in the county, for four weeks prior thereto. If there be no newspapers so published, then by posting notices, for the same time, in each election precinct in the county, and at the Court House door. The ballots shall be printed, "For the issue of bonds," or "Against the issue of bonds." If two thirds of the electors of the county voting at such election shall vote in favor of issuing bonds, and not otherwise, the Board may proceed to issue the amount of bonds specified, in the manner provided in this Act for funding the floating indebtedness of the county; and all the provisions of this Act relating to the issue and payment of bonds in the latter case shall apply to bonds issued under this section, except that such bonds shall not run for more than twenty years; and the Board shall levy the tax necessary to create a sinking fund, for the payment of the principal of said bonds, in each and every year after their issue, until finally paid. The revenue derived from the sale of said bonds shall be applied to the purpose or purposes specified in the order of the Board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds.

SEC. 38. Whenever the Board of Supervisors shall have adopted plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner, whereby the cost of such building, bridge, or structure shall be increased, unless they shall first so order, by a vote of four fifths of their number.

SEC. 39. Whenever the Board of Supervisors shall have entered into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other public structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of four fifths of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration shall be so ordered,

the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the Board and the contractor. In no case shall the Board ever pay or become liable to pay for any extra work done on such buildings or public structures.

SEC. 40. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked in the claim or demand made by any other. Any person may appear before the Board and oppose the allowance of any claim or demand made against the county.

No officer
to advocate
claims.

SEC. 41. The Board of Supervisors must not hear or consider any claim in favor of any person, corporation, company, or association against the county, nor shall the Board credit or allow any claim or bill against the County or District Fund, unless the same be itemized, giving names, dates, and particular services rendered; character of process served; upon whom; distance traveled; where and when; character of work done; number of days engaged; materials furnished; to whom; and quantity and price paid therefor, duly verified as to its correctness, and that the amount claimed is justly due, is presented to and filed with the Clerk of the Board within a year after the last item of the account or claim accrued. This section, as to itemizing, shall not apply to services rendered under section one hundred and forty-eight; *provided*, that such services are substantially stated, with their value, and verified as above. If, in case of any claim which requires itemizing, the Board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

Claims
must be
itemized.

SEC. 42. No account must be passed upon by the Board, unless made out as prescribed in the preceding section and filed by the Clerk, at least one day prior to the session at which it is asked to be heard.

Filing of
claims.

SEC. 43. When the Board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; if they find it to be a proper county charge, but greater in amount than is justly due, the Board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular succeeding session of the Board, but not afterwards.

Part of
claim
allowed.

SEC. 44. A claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the Board, but not afterward; and if, in such action, judgment is recovered for more than the Board allowed, on presentation of a certified copy of the judgment, the Board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the Board

Claimant
may sue
county.

allowed, the Board must pay the claimant no more than was originally allowed.

Warrants must specify liability.

SEC. 45. Warrants drawn by order of the Supervisors on the County Treasury, for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the Treasurer. If the fund is insufficient to pay any warrant it must be registered, and thereafter paid in the order of registration.

Supervisors must not be interested in property purchased.

SEC. 46. No member of the Board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the Board, or other person on behalf of the county, for the erection of public buildings, the opening or improvements of roads, or the building of bridges, or for other purposes.

Proceedings where Board are interested in franchise.

SEC. 47. Whenever an application is made to the Board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the Board has jurisdiction, in which a majority of the Board are interested, the application, by order of the Board, must be transferred to the Superior Court of the county. The Clerk of the Board must thereupon certify the application, and all orders and papers relating thereto, to said Superior Court, and thereafter the said Superior Court shall have full jurisdiction to hear and determine the application.

Notices.

SEC. 48. All public notices of proceedings of or to be had before the Board, not otherwise specially provided for, must be posted at the Court House door, and two other public places in the county.

May encourage tree planting.

SEC. 49. The Board, under such regulations as they may adopt, may encourage the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted at the age of four years, a sum not exceeding one dollar.

Assessors report to State Board of Equalization.

SEC. 50. The Board must require the Assessor to report to the State Board of Equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may, by ordinance, direct, and enforce obedience of the Assessor thereto by deducting such proportion of his compensation as Assessor as to them may seem appropriate, for a failure to comply with the order.

Per diem and mileage of Board.

SEC. 51. All claims against the county presented by members of the Board of Supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance, such claims must be presented to the District Attorney, who must indorse thereon, in writing, his opinion as to the legality thereof; if the District Attorney declare the

claim illegal, he must state specifically wherein it is illegal, and the claim must then be rejected by said Board.

SEC. 52. The Board must have prepared by the Clerk, and when he is not also Auditor, then by that officer and under their direction, prior to their annual meeting for levying taxes, a statement showing:

Clerk's and Auditor's annual statements of indebtedness and property.

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the County Treasury, and its several funds.

SEC. 53. The Board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

Property donated to county.

SEC. 54. The Board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams within the county, for use as public highways for rafting and floating lumber, when such streams are not declared by law to be and are not in fact navigable for commercial purposes, and provide regulations for the use thereof; but no regulations of the Board, nor improvements directed, must in any manner interfere with private rights.

Rafting and floating lumber.

SEC. 55. Any Supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently, or corruptly attempts to perform an act, as Supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

Neglect of Supervisors.

SEC. 56. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the State, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the State, and a resident of the county or district, shall be eligible to the office of Superintendent of Public Schools and School Trustee.

Eligibility for office.

SEC. 57. The officers of a county are: A Sheriff; a County Clerk; an Auditor; a Recorder; a Tax Collector; a District Attorney; an Assessor; a Treasurer; a Superintendent of Schools; a Public Administrator; a Coroner; a Surveyor; the members of the Board of Supervisors; and such other officers as may be provided by law; *provided*, that in counties where the Board of Supervisors by proper ordinance may so elect, the duties of certain of the above mentioned officers are hereby consolidated, as follows: Sheriff and Tax Collector; Auditor and Recorder;

Officers of county.

Duties may be consolidated. County Clerk, Auditor, and Recorder; County Clerk and Recorder; County Clerk and Auditor; Treasurer and Tax Collector; Public Administrator and Coroner; *provided further*, that in counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the Board of Supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby.

Township officers.

SEC. 58. The officers of a township are two Justices of the Peace, two Constables, and such inferior and subordinate officers as may be provided by law or by the Board of Supervisors; *provided*, that in townships containing cities in which City Justices are elected there shall be but one Justice of the Peace. The Board of Supervisors of each county, on or before the first Monday in September, eighteen hundred and ninety-one, and thereafter as public convenience shall require, shall divide their respective counties into townships for the purpose of electing Justices of the Peace and Constables; *provided*, that the Board of Supervisors shall have power, whenever they may deem it for the good of their county, to allow only one Justice of the Peace and one Constable in any judicial township having a population of less than three thousand inhabitants.

Duties, etc., in offices that are united.

SEC. 59. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation affixed to the offices.

When officers are elected.

SEC. 60. All elective county and township officers (except Superintendent of Public Schools and Assessors), except otherwise provided for in this Act, shall be elected at the general election to be held in November, eighteen hundred and ninety-two, and every two years thereafter, unless otherwise herein provided, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election; Supervisors shall be elected as hereinbefore provided. Assessors and Superintendents of Schools shall be elected at the general election to be held in the year eighteen hundred and ninety-four, and every four years thereafter. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified.

Deputies.

SEC. 61. Every county, township, or district officer, except a Supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the County Clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

SEC. 62. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies. Use of official name.

SEC. 63. All county officers must have their offices at the county seat, and the Sheriff, Clerk, Recorder, Auditor, Treasurer, and District Attorney must keep their offices open for the transaction of business from nine o'clock A. M. until five o'clock P. M., non-judicial days excepted. Offices at county seat.

SEC. 64. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon. Liability of officers attaches to bond.

SEC. 65. Every officer mentioned in section fifty-seven, and his deputies, and every Justice of the Peace, may administer and certify oaths. Oaths.

SEC. 66. The following officers must reside at the county seat of their respective counties: The County Clerk, Auditor, Recorder, Sheriff, and District Attorney. Residence.

SEC. 67. A county or township officer shall in no case absent himself from the State for a period of more than sixty days, and for no period without the consent of the Board of Supervisors of the county. Absence.

SEC. 68. Sheriffs, Clerks, and Constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such. Who may not practice law.

SEC. 69. The Board of Supervisors of each county in the State shall, on or before the first Monday in September, eighteen hundred and ninety-two, prescribe the amount in which the following county officers must execute official bonds before entering upon the discharge of the duties of their respective offices, viz.: Treasurer, County Clerk, Auditor, Sheriff, Tax Collector, District Attorney, Recorder, Assessor, Surveyor, Superintendent of Schools, Coroner, and Justice of the Peace. The Judge or Judges of the Superior Court shall, on or before the said first Monday of September, prescribe the amount in which each member of the Board of Supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the Judge, or Judges, if there be more than one, of the Superior Court. All persons offered as sureties on official bonds shall be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the State, and is worth, in real or personal property, or both, situate in this State, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the County Recorder, and then filed and kept in the office of the County Clerk. The official bond of the County Amount of official bonds.

Approval.

Qualifications of bondsmen.

Records of bonds.

Clerk shall, after being recorded, be filed and kept in the office of the County Treasurer.

COUNTY TREASURER.

Duties of
County
Treasurer.

SEC. 70. The County Treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the Auditor delivered to him when moneys are paid into the Treasury.

Receipts
and ex-
penditures.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the County Auditor.

Disburse-
ments
according
to law.

6. Disburse the county moneys only on county warrants, issued by the County Auditor, except on settlement with the State.

7. Disburse the moneys in the Treasury on such warrants only when they are based on orders of the Board of Supervisors, or upon order of the Superior Court, or as otherwise provided by law.

SEC. 71. He must receive no money into the Treasury unless accompanied by the certificate of the Auditor provided for in section one hundred and fifteen.

Receipts.

SEC. 72. When any money is paid to the County Treasurer, he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the County Auditor, who must charge the Treasurer therewith, and give the person paying the same a receipt.

"Paid"
must be
written on
warrants
when paid.

SEC. 73. When a warrant is presented for payment, if there is money in the Treasury for that purpose, he must pay the same, and write on the face thereof "Paid," the date of payment, and sign his name thereto; *provided, however,* that the Treasurer shall not receive, or pay, or indorse any warrant until he shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four of section twenty of this Act, and not then unless a claim or order upon which said warrant is based appears upon such list.

"Not paid
for want
of funds."

SEC. 74. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer must indorse thereon "Not paid for want of funds,"

annexing the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

SEC. 75. When there are sufficient moneys in the Treasury to pay the warrants drawing interest, the Treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the Court House door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

Notice to pay warrants.

SEC. 76. In advertising warrants under the provisions of the preceding section in any newspaper, the Treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the Treasurer must designate such payable warrants in the advertisement.

Advertising warrants.

SEC. 77. Warrants drawn on the Treasury, and properly attested, are entitled to preference as to payment out of moneys in the Treasury properly applicable to such warrants, according to the priority of time in which they were presented. The time of presenting such warrants must be noted by the Treasurer, and upon receipt of moneys into the Treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Priority of time.

SEC. 78. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the Treasurer applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the Treasurer to pay them out of any money in the Treasury not otherwise appropriated.

On failure to present, next in order paid.

SEC. 79. When the Treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest distinct from the principal.

SEC. 80. The Treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the Auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the Auditor's receipt therefor. He must also make a full settlement of all accounts with the Auditor, annually, on the first Monday of January, in the presence of the Supervisors, who have a supervisory control thereof.

Monthly settlements.

Annual settlement.

Report to
Super-
visors.

SEC. 81. Each County Treasurer must make a detailed report, at every regular meeting of the Board of Supervisors of his county, of all moneys received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the Treasury and the amounts of disbursements, together with the debts due to and from the county, may clearly and distinctly appear.

Penalty of
refusal.

SEC. 82. If any County Treasurer neglect or refuse to settle or report, as required in sections eighty and eighty-one, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the Board of Supervisors must institute suits for the recovery thereof.

Penalty for
District
Attorney
refusing
to pay.

SEC. 83. If the District Attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-six, the County Treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages.

Failure of
Coroner,
etc., to
account.

SEC. 84. If the Coroner, or any Justice of the Peace acting as Coroner, fail to deliver to the Treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the Public Administrator, or other legal representative of the decedent, as required by section one hundred and fifty, the District Attorney must proceed against the Coroner, or Justice of the Peace acting as Coroner, to recover the same, by civil action, in the name of the county.

Disposition
of such
money.

SEC. 85. The Treasurer, upon receiving from the Coroner, or Justice of the Peace acting as Coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

Legal heirs
may claim
it within
six years.

SEC. 86. If the money in the Treasury is demanded within six years, by the legal representatives of the decedent, the Treasurer must pay it to them, after deducting the fees and expenses of the Coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the Board of Supervisors.

Where
Treasurer
shall keep
moneys.

SEC. 87. The County Treasurer must keep all moneys belonging to this State, or to any county of this State, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys, but he shall be liable therefor on his official bond.

Suspension
from office.

SEC. 88. Whenever an action, based upon official misconduct, is commenced against any County Treasurer, the Supervisors

may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the Board of Supervisors.

Sec. 89. In case of the death of any County Treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers, and documents which come into their possession. Death.

Sec. 90. The books, accounts, and vouchers of the Treasurer are at all times subject to the inspection and examination of the Board of Supervisors and Grand Jury. Inspection of books, etc.

Sec. 91. The Treasurer must permit the Chairman of the Board of Supervisors, District Attorney, and Auditor, to examine his books and count the money in the Treasury, whenever they may wish to make an examination or counting. Counting the money.

SHERIFF.

Sec. 92. "Process," as used in this Act, includes all writs, warrants, summons, and orders of Courts of the justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before any Court, Board, or officer, or when required by law to be served independently of such proceeding. Process.
Notice.

Sec. 93. The Sheriff must:

Duties of Sheriff.

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.
4. Attend all Courts, except Justice's and Police Courts, held within his county, and obey their lawful orders and directions.
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail, and the prisoners therein.
7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.
8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time of reception.
9. Serve all process and notices in the manner prescribed by law.
10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Sec. 94. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, Process from another county.

addressed to the officer from whom the same emanated, and deposit it in the Post Office, prepaying postage.

Return. SEC. 95. The return of the Sheriff upon process or notices is prima facie evidence of the facts in such return stated.

Damages. SEC. 96. If a Sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Neglect to execute writs. SEC. 97. If the Sheriff, to whom a writ of execution is delivered, neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Refusal to pay moneys. SEC. 98. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

Escapes. SEC. 99. A Sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

SEC. 100. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

Return of escape. SEC. 101. An action cannot be maintained against the Sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the Sheriff.

Directions in writing. SEC. 102. No direction or authority by a party or his attorney to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the Sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

Vacancy declared. SEC. 103. When the Sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

SEC. 104. A Sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued. Must execute process.

SEC. 105. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein. Allow inspection.

SEC. 106. The Sheriff in attendance upon Court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the Court, and make proclamation of the opening and adjournment of the Court, and of any other matter under its direction. Court crier.

SEC. 107. Service of a paper, other than process, upon the Sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the Sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the Sheriff sells real estate, under and by virtue of an execution or order of Court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the Sheriff who made the sale. Service on Sheriff. Deeds and conveyances.

SEC. 108. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, must be executed by the Coroner of the county; *provided*, when any action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure. When Coroner acts as Sheriff.

SEC. 109. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the Court, or the Judge thereof, and denominated an elisor, in the following cases: Elisor.

1. When the Sheriff and Coroner are both parties;
2. When either of these officers is a party, and the process is against the other; and,
3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the Court in which the proceeding is pending, or the Judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially. Bias and prejudice.

When process is delivered to an elisor, he must execute and return it in the same manner as the Sheriff is required to execute similar process. Whenever process is executed, or any act

performed by a Coroner or elisor, in the cases provided by law in that behalf, such Coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the Court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Compensation.

SEC. 110. The Sheriff must perform such other duties as are required by law.

COUNTY CLERK.

Duties of
County
Clerk.

SEC. 111. The County Clerk must:

1. Take charge of and safely keep, or dispose of, according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as Clerk of the Board of Supervisors and as Clerk of the Superior Court, and attend each session thereof, and upon the Judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the Court shall order them to be entered at length; keep in the Superior Court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged.

4. Keep for the Superior Court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book;" also, an index labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book;" keep an index of the names of persons naturalized.

SEC. 112. He must keep such other records and perform such other duties as are prescribed by law.

COUNTY AUDITOR.

Duties of
County
Auditor.

SEC. 113. The Auditor must draw warrants on the County Treasurer in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the Board of Supervisors; *provided, however,* that the Auditor must not draw a warrant on the County Treasurer in favor of any person, until said Auditor shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four, section twenty, of this Act. The Auditor must also draw his warrants on the County Treasury for all debts

and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal.

SEC. 114. All warrants must distinctly specify the liability Warrants. for which they are drawn, and when it accrued.

SEC. 115. The Auditor must examine and settle the accounts Accounts. of all persons indebted to the county, or holding moneys payable into the County Treasury, and must certify the amount to the Treasurer, and upon the presentation and filing of the Treasurer's receipt therefor, give to such persons a discharge, and charge the Treasurer with the amount received by him.

SEC. 116. The Auditor must keep accounts current with the Receipts. Treasurer, and when any person deposits with the Auditor any receipt given by the Treasurer for any money paid into the Treasury, the Auditor must file such receipt, and charge the Treasurer with the amount thereof.

SEC. 117. All warrants issued by the Auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled. Warrants to be numbered.]

SEC. 118. The Auditor must, between the first and tenth day of each month, examine the books of the Treasurer, and see that the same have been correctly kept. Examine Treasurer's books.

SEC. 119. The Chairman of the Board of Supervisors, District Attorney, and Auditor, must, at least once in each month, count the money in the County Treasury, and make and verify, in duplicate, statements showing: Count the money.

1. The amount of money that ought to be in the Treasury.
2. The amount and kind of money actually therein.

SEC. 120. They must file one of the statements in the office of the County Clerk, and the Auditor must post and maintain the other in his office for at least one month thereafter.

SEC. 121. The Auditor and Treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the County Treasury; the funds among which the same was distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the county. Joint statement of Auditor and Treasurer.

SEC. 122. The Auditor must discharge such other duties as are required by law.

COUNTY RECORDER.

Must procure books.

SEC. 123. The Recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the Board of Supervisors. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

Duties of County Recorder.

SEC. 124. He must, upon the payment of his fees for the same, record separately, in large and well bound separate books, in a fair hand:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.

2. Mortgages of personal property.

3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.

5. Official bonds.

6. Notices of mechanics' liens.

7. Transcripts of judgments, which by law are made liens upon real estate.

8. Notices of attachments upon real estate.

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

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

11. Births and deaths; and,

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

Books that Recorder must keep.

SEC. 125. Every Recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indexes of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indexes of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indexes of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of

Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded." Books that Recorder must keep.

6. Two indexes of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married (and under this head placing the family names of the women)," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed,

Books that Recorder must keep. respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled: "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indexes as are or may be required by law.

23. An index of decrees of distribution in probate, labeled: "Decrees of Distribution," divided into six columns, headed, respectively: "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

Certificates of sales.

SEC. 126. The Recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Decrees affecting title.

SEC. 127. The Recorder must file and record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is Recorder.

Notice thereby.

SEC. 128. Every such certified copy of partition, from the time of filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

Indexes.

SEC. 129. The Recorder may keep in the same volume any two or more of the indexes mentioned in section one hundred and twenty-five; but the several indexes must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indexes kept therein.

The names of the parties in the first column in the several indexes must be arranged in alphabetical order, and when a conveyance is executed by a Sheriff, the name of the Sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

How names to be indexed.

Sec. 130. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the Recorder's office for record, the Recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as to the time when the same was received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

Indorse time of reception.

Sec. 131. He must also indorse upon each instrument, paper, or notice the time when, the book and pages in which it is recorded, and must thereafter deliver it up, upon request of the party leaving the same for record, or to his order.

Book and page.

Sec. 132. It shall be the duty of the Recorder, upon the application of any person, and upon the payment or tender of the fees therefor, make searches for conveyances, mortgages, and all other instruments, papers, or notices recorded or filed in his office, and furnish a certificate thereof, stating the names of the parties to such instruments, papers, and notices, the date thereof, the year, month, day, hour, and minute they were recorded or filed, the extent to which they purport to affect the property to which they relate, and the books and pages where they are recorded. And it shall be further his duty to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

Must search records.

Sec. 133. If any Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

Neglect or refusal to record, or errors committed, or to keep indexes.

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,
2. Records any instrument, papers, or notices, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,
3. Neglects or refuses to keep in his office such indexes as are required by this article, or to make the proper entries therein; or,
4. Neglects or refuses to make the searches, and to give the certificate required by this article, or if such searches or certificates are incomplete and defective in any important particular affecting the property in respect to which the search is requested; or,
5. Alters, changes, or obliterates any records deposited in his

Liabie for damages. office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

Fees in advance. SEC. 134. He is not bound to record any instrument, or file any paper or notice, or furnish any copies, or to render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Books, etc., open for inspection. SEC. 135. All books of record, maps, charts, surveys, and other papers on file in the Recorder's office, must, during office hours, be open for inspection of any person who may desire to inspect them, and may be inspected without charge; and the Recorder must arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

DISTRICT ATTORNEY.

Duties of District Attorney. SEC. 136. The District Attorney is the public prosecutor, and must:

1. Attend the Superior Court, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose, when not engaged in criminal proceedings in the Superior Court, or in civil cases therein on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the Grand Jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought against the State or his county, prosecute all recognizances forfeited in the Courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the State or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the County Treasurer.

5. On the first Monday of each month file with the Auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the County Treasurer.

6. Give, when required, and without fee, his opinion, in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. Keep a register of official business, in which must be entered a note of every action, whether criminal or civil, prosecuted officially, and of the proceedings therein; and,

8. Perform such other duties as are prescribed by law.

Legal adviser of Supervisors. SEC. 137. The District Attorney is the legal adviser of the Board of Supervisors. He must attend their meetings when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

SEC. 138. The District Attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another. Must not advocate another's claim.

COUNTY SURVEYOR.

SEC. 139. The Surveyor must make any survey that may be required by the order of Court, the Board of Supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey; indorse thereon its proper number, a copy of which, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law. Duties of County Surveyor.

SEC. 140. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the Surveyor of any county in which any part of such land is situated, and on such application being made, the Surveyor must make the survey, which is as valid as though the lands were situated entirely within the county. Where county line is division line.

SEC. 141. When land, the title to which is in dispute before any Court, is divided by a county line, the Court making an order of survey may direct the order to the Surveyor of any county in which any part of the land is situated. Same.

SEC. 142. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey. True meridian.

SEC. 143. If a party for whom a survey is made does not furnish the chainmen and markers, the Surveyor may employ the necessary chainmen and markers, and receive the reasonable hire of all assistants necessarily employed. Chainmen and markers.

SEC. 144. Each County Surveyor must, when required, aid and assist the Surveyor-General in making surveys within the county. Assist Surveyor-General.

SEC. 145. When the County Surveyor is interested in any land the title to which is in dispute, and a survey thereof is necessary, the Court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the County Surveyor would be entitled to for similar service. When County Surveyor is interested.

SEC. 146. He must perform such other services as may be required of him by law.

COUNTY CORONER.

SEC. 147. The Coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The Coroner, or other officer holding the inquest upon the body of Duties of County Coroner.

a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the Superior Courts of this State; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

Burial of
body.

SEC. 148. When an inquest is held by the Coroner, and no other person takes charge of the body of the deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Coroner's
register.

SEC. 149. It shall be the duty of the Coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Must
deliver to
County
Treasurer,
or proper
party,
all money.

SEC. 150. The Coroner must, within thirty days after an inquest upon a dead body, deliver to the County Treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person, which has come into his possession since his last statement.

2. The disposition made of such property.

Justice of
Peace
may act.

SEC. 151. If the office of Coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any Justice of the Peace of the county, with the like authority, and subject to the same obligations and penalties as the Coroner.

SEC. 152. In the cases specified in section one hundred and eight, the Coroner must discharge the duties of Sheriff.

Assessor.

SEC. 153. The Assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

Tax
Collector.

SEC. 154. The Tax Collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

School
Superin-
tendent.

SEC. 155. The School Superintendent must perform such duties as are prescribed in title three, part three, of the Political Code.

Public
Adminis-
trator.

SEC. 156. The Public Administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure.

SEC. 157. It shall be the duty of the Public Administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of Administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. Register of
Public
Adminis-
trator.

SEC. 158. Constables must attend the Courts of Justices of the Peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by Justices of the Peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are allowed by law, except when in conflict with section one hundred and sixty-three of this Act, or as otherwise provided for in this Act. Constables.

SEC. 159. All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to Constables, and govern their powers, duties, and liabilities. Duties and
powers.

SEC. 160. Justices of the Peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law. Justices.

SEC. 161. The salaries of officers must be paid monthly from the Salary County Fund of the Treasury, on the warrant of the Auditor. Monthly
salaries.

SEC. 162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this State are hereby classified, and shall hereafter remain classified, according to their population, as ascertained by the Federal census taken in the year eighteen hundred and ninety, as follows, to wit: Classifica-
tion of
counties.

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand inhabitants shall belong to and be known as counties of the second class.

Counties containing a population of over ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of over forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of over forty thousand and

Classifica-
tion of
counties.

under forty-five thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of over thirty-four thousand and under forty thousand inhabitants shall belong to and be known as counties of the sixth class.

Counties containing a population of over thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of over thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.

Counties containing a population of over twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class.

Counties containing a population of over twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.

Counties containing a population of over twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.

Counties containing a population of over twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of over twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of over nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of over eighteen thousand and under nineteen thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of over seventeen thousand nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of over seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of over seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of over sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of over sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

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

Counties having a population of over fifteen thousand and

under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class.

Classification of counties.

Counties having a population of over fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class.

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

Counties having a population of over thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty-fifth class.

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

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

Counties having a population of over twelve thousand one hundred and sixty and under twelve thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of over twelve thousand one hundred and thirty and under twelve thousand one hundred and sixty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of over ten thousand three hundred and under twelve thousand shall belong to and be known as counties of the thirtieth class.

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

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

Counties having a population of over ten thousand and thirty and under ten thousand and seventy shall belong to and be known as counties of the thirty-third class.

Counties having a population of over nine thousand nine hundred and under ten thousand shall belong to and be known as counties of the thirty-fourth class.

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

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

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

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

Classification of counties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Salaries in counties of first class.

SEC. 163. In the counties of the first class, the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the salaries fixed by law.

Salaries in counties of second class.

SEC. 164. In counties of the second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum. Salaries in counties of second class.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, three thousand six hundred dollars per annum.
4. The Auditor, three thousand six hundred dollars per annum.
5. The Treasurer, three thousand six hundred dollars per annum.
6. The Tax Collector, three thousand six hundred dollars per annum.
7. The District Attorney, four thousand dollars per annum.
8. The Assessor, three thousand six hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, three thousand dollars per annum.
11. The Superintendent of Schools, three thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace, in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fees collected by every such Justice on the account of aforesaid shall belong to and be the property of the county in which such Justice exercises his jurisdiction. And each of such Justices shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fees collected by him, on the account aforesaid, during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said Board with their said report. Fees of Justice of the Peace.
Monthly report.
14. Constables, such fees as now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such Constable, in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fees collected by every such Fees of Constables.

Constable, on the account aforesaid, shall belong to and be the property of the county in which such Constable has been elected or appointed; and each of said Constables shall report, under oath, on the first Monday of each month, to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said Board with his said report.

Super-
visors.

15. Supervisors, one thousand eight hundred dollars per annum.

Deposit
with
County
Clerk.

16. Upon the commencement of any action or proceeding, except in cases otherwise provided by law, the County Clerk shall require the plaintiff or party initiating the action to deposit the sum of ten dollars, and the defendant or respondent must, upon his appearance, deposit with the Clerk the sum of three dollars, said deposits to be applied in payment of costs, and when the same are exhausted, a further deposit must be required by the Clerk. Any money so deposited, and remaining after judgment and payment of all costs chargeable against the party who has deposited the same, to and including the entering, docketing, and recording of the judgment, shall, on demand, be returned to the party who has advanced it; *provided*, that every party appealing from any judgment or order of a Justice of the Peace, or Police Court, shall deposit the sum of five dollars with the Clerk, to be held by him, and in all respects treated the same as the other deposits above mentioned. The County Clerk shall charge and collect the following fees and charges for and on behalf of the county, to wit: For entering suit in the registry, and making necessary entries during the progress of the suit, to the final determination thereof, for first folio, twenty-five cents; for each subsequent folio, twenty-five cents. For issuing every writ or process under seal, except the writ of habeas corpus, twenty-five cents. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, ten cents. For entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking on bond, for each folio, ten cents. For taking acknowledgment of an instrument, to include all writing and the seal, for first name thereto, fifty cents. For each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases to other Courts, including certificates of order of transfer, one dollar and fifty cents. Searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justice's Court, for each case, one dollar and fifty cents; all subsequent services rendered on such appeal shall be charged for at the rates above provided

Fees and
charges to
be charged
and col-
lected by
County
Clerk.

for similar service. For issuing letters testamentary, or of administration, or of guardianship, twenty-five cents. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, unless such notice is prepared by the petitioner, or his attorney therein, twenty-five cents. For calling and swearing every jury or venire, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering verdict of jury, fifty cents. For entering final judgment, for first folio, fifty cents; for each subsequent folio, ten cents. For making up and filing judgment roll, fifty cents. For each entry of judgment on judgment docket, twenty-five cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For copy of any proceeding, record, or paper, per folio, ten cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witness during trial (to be paid by party requiring the same), for each folio, twenty cents. For issuing execution or other final process under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, ten cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, twenty-five cents. For taking and approving each undertaking or bond, twenty-five cents. For recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided, however*, that in all cases where the value of the estate of a decedent does not exceed one thousand dollars, the total fees collected by such Clerk from the estate, the administratrix, executor, or legal representative, shall not exceed ten dollars; and when such appraised value is more than one thousand dollars, and not over five thousand dollars, the total fees collected from the estate, the administrator, executor, or legal representative, shall not exceed twenty dollars. All fees and charges received or collected by such Clerk shall belong to and be the property of the county, and be paid into the County Treasury thereof by said Clerk, on the first Monday of each month. The County Recorder shall charge and collect the following fees and charges for and on behalf of the county, to wit: For recording any instrument or notice, except maps or plats, ten cents for each folio of one hundred words. For indexing any instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, ten cents per folio. For filing any instrument for record and making the necessary entries thereon, ten cents. For each certificate under seal, fifty cents. For each entry of discharge of mortgage, or other instrument, on margin of record, and entry thereof on index, fifty cents. For searching records or files in his office, fifty cents for each year. For abstract of title, fifty cents for each conveyance or incumbrance certified. For recording any plat or map of a rectangular subdivision into lots and blocks,

Fees to be charged by County Clerk.

Fees to be charged by County Recorder.

Fees to be
charged by
County
Recorder.

five cents for each course or line, and twenty-five cents for each folio of figures, letters, and characters. For recording any other plat or map, ten cents for each course or line, and twenty-five cents for each folio. For taking acknowledgments, including seal, fifty cents for the first signature, and twenty-five cents for each additional signature. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording each mark or brand, and making the necessary search preliminary to such record, three dollars. For filing, indexing, and keeping each paper not by law required to be recorded, one dollar. For reporting assignment of certificate of purchase of State lands, fifty cents. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and be paid into the County Treasury thereof by said Recorder, on the first Monday of each month.

Deputies.

17. The Board of Supervisors shall allow the several officers mentioned in this section, such deputy or deputies, assistant or assistants, as may be necessary to properly transact the business of their respective offices, in connection with the principal, at such salary as the Board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant or deputy, the sum of one hundred dollars per month; *provided*, that the Board of Supervisors shall have the power to allow the County Clerk one chief deputy, at a salary to be fixed by said Board, not to exceed two hundred dollars per month; also, one deputy to act as Clerk of the Board of Supervisors, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month; also, one register clerk, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month; also, six clerks to act as clerks of the departments of the Superior Court, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Sheriff an Under Sheriff, at a salary to be fixed by said Board, not to exceed two hundred dollars per month; *provided further*, that the Board of Supervisors may allow the Recorder one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Auditor one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Assessor one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Treasurer one bookkeeper, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month; *provided further*, that the Board of Supervisors may allow the Tax Collector one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Superintendent of Schools one assistant, at a salary to be fixed by said Board, not

to exceed one hundred and twenty-five dollars per month; Deputies. *provided further*, that the Board of Supervisors may allow the District Attorney an assistant, at a salary to be fixed by the Board, not to exceed two hundred dollars per month; also, one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also, one deputy, at a salary not to exceed one hundred and fifty dollars per month; also, three deputies, at a salary not to exceed one hundred dollars per month, and no other or further assistant or deputy attorneys shall be allowed by said Board to said District Attorney; *provided*, that nothing herein contained shall be construed to prevent said Board from employing special counsel, when, in the judgment of said Board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, chief deputy, or deputy, shall in each case constitute a county charge. This section, and all parts thereof, shall, except as to the salaries of county officers, apply to present incumbents, in all counties which, under the provisions of this Act are entitled to become second class counties in eighteen hundred and ninety-two and ninety-three, as provided for in section ten hereof, including all deputies and assistants herein provided for, Justices of the Peace, and Constables, and shall go into effect upon the passage of this Act.

SEC. 165. In counties of the third class the county officers Third class. shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, thirteen thousand dollars per annum. Salaries of officers.
2. The Sheriff, fifteen thousand dollars per annum.
3. The Recorder, fifteen thousand dollars per annum.
4. The Auditor, four thousand dollars per annum.
5. The Treasurer, five thousand five hundred dollars per annum, whose office hours shall be from nine o'clock A. M. to four o'clock P. M.
6. The Tax Collector, eight thousand dollars per annum.
7. The Assessor, fourteen thousand dollars per annum.
8. The District Attorney, six thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, forty-five hundred dollars per annum; *provided*, that the office of such official in the Court House be kept open the same as the other public offices of the county.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal cases. Justices of the Peace. Each Justice

of the Peace must keep a book, open to the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the County Treasury, for the benefit of the county; *provided*, that said Justices of the Peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

Constables.

14. Constables, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said Constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases.

Super-
visors.

15. Supervisors, one thousand five hundred dollars per annum, and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the Board only two mileages shall be allowed for each month. Claims for mileage shall be allowed and paid as other claims against the county.

Fourth
class.

SEC. 166. In counties of the fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, eight thousand dollars per annum.
2. The Sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive, as additional compensation, the mileage collected by him in criminal cases, where the same is not a charge against his county.
3. The Recorder, sixty-five hundred dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, four thousand dollars per annum.
6. The Tax and License Collector, four thousand dollars per annum for the combined office.
7. The Assessor, nine thousand five hundred dollars per annum.
8. The District Attorney, three thousand two hundred dollars per annum.
9. The Coroner, six hundred dollars per annum.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.

Justices.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall be paid more than two thousand dollars in any one year; *and provided further*, that any Justice of the Peace who collects

for the fees of his office more than two thousand dollars per annum may appoint some suitable person as a clerk of his Court, at a salary not to exceed fifty dollars per month, to be paid out of the fees collected by said Justice; all other fees collected by such Justice of the Peace, after deducting the amount hereby allowed for his own services, and the services of the clerk of his Court, shall be paid over to the County Treasurer of said county.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one Constable shall receive more than one hundred and twenty-five dollars in any one month, or twelve hundred dollars in any one year, for services in criminal cases. Constables.

15. Supervisors, twelve hundred dollars each per annum, and five hundred dollars per annum as Road Commissioners.

SEC. 167. In counties of the fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Fifth class.

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

2. The Sheriff, nine thousand dollars per annum, and such fees and mileage as are now or hereafter may be provided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a Court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the Court from which the writ issued under which the property was taken. Salaries of officers.

3. The Recorder, four thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand four hundred dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum, and the fees for making and executing tax deeds.

7. The Assessor, six thousand dollars per annum.

8. The District Attorney, thirty-six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, eighteen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat; *provided*, mileage shall not be allowed oftener than once in each month; *provided further*, that the Superintendent of Schools, outside of his regular salary, shall be allowed his necessary traveling expenses, including mode of travel and hotel bills, in visiting public schools throughout the county, not exceeding three hundred dollars per annum, said amount to be allowed by the Board of Supervisors and paid as other county charges.

Sixth class. SEC. 168. In counties of the sixth class county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers. 1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand five hundred dollars per annum.
3. The Recorder, two thousand five hundred dollars per annum.

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

5. The Treasurer, two thousand dollars per annum.

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

7. The Assessor, three thousand dollars per annum.

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

9. The Superintendent of Public Schools, two thousand five hundred dollars per annum.

10. The Public Administrator, nine hundred dollars per annum.

11. The Coroner, five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents per mile, counting one way only.

15. Supervisors, five dollars per day, and twenty-five cents per mile in going from their residence to the county seat, at each meeting of the Board.

Deputies. 16. Whenever the duties of the County Clerk, County Recorder, County Assessor, County Auditor, County Treasurer, Sheriff, Superintendent of Schools, or the Tax Collector, are too great to be performed by such officer, such officers may, respectively, by written appointment, to be filed in the offices of the County Clerk and County Auditor, appoint as many deputies as may be necessary for the due discharge of the duties of such office, and fix the salary of each of such deputies at a sum not exceeding one hundred dollars per month, excepting the chief deputy of the County Clerk, whose salary shall be one hundred and fifty dollars per month, which shall be paid by the county; *provided*, that the appointment of such deputies, or of either or of any thereof, may be revoked by the Board of Supervisors whenever said Board shall be satisfied that the services of such deputy or

deputies are no longer reasonably necessary to the due discharge of the duties of such office or offices.

17. Each county and township officer shall be responsible on his official bond for the official acts of each of his deputies; and may, at his own pleasure, revoke the appointment of any of said deputies. Officers responsible for deputy.

18. In counties of this class there shall be an Assistant District Attorney, and a Deputy District Attorney, to be appointed by the District Attorney of said county, and to remain in office during the pleasure of the District Attorney thereof. The salary of the Assistant District Attorney herein provided for is hereby fixed at the sum of eighteen hundred dollars per annum; the salary of the Deputy District Attorney herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum. The salary of each of the officers herein provided for shall be paid in equal monthly installments, at the same time and in the same manner as the salaries of the other county officers. Assistant and Deputy District Attorneys.

SEC. 169. In counties of the seventh class the county officers shall be as follows, and shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Seventh class.

1. The County Clerk, two thousand dollars per annum. Chief Deputy Clerk, twelve hundred dollars per annum. Two Deputy Clerks, nine hundred dollars each per annum. Salaries of officers.

2. The Sheriff, two thousand dollars per annum. Under Sheriff, fifteen hundred dollars per annum. Three Deputy Sheriffs, one of whom shall be jailer, nine hundred dollars each per annum.

3. The Recorder, fifteen hundred dollars per annum. Chief Deputy Recorder, twelve hundred dollars per annum. Two copyists, six hundred dollars each per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum.

7. The Assessor, eighteen hundred dollars per annum. Six Deputy Assessors, at three hundred dollars each per annum.

8. The District Attorney, twenty-four hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, fifteen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may be hereafter required of them by law: For serving a summons and complaint, or any other process by Fees of Constables.

Fees of
Constables.

which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For his trouble and expense in taking possession of and preserving property under attachment or execution, or other process, as the Court shall order (*provided*, no more than two dollars per diem shall be allowed to a keeper), three dollars. For taking a bond or undertaking in any case he is authorized to take the same, fifty cents. For copy of any writ or process, or other paper, when demanded or required by law, for each folio, fifteen cents. For serving every notice, rule, or order, twenty-five cents. For advertising property for sale under execution or any judgment or order of sale, exclusive of the cost of publication, each, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars. For serving subpoenas, for each witness served, twenty-five cents. For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold an inquest or trial of the right of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, to the most distant point where service is made, thirty cents; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service. For commission for receiving and paying over money on execution or other process when lands or other personal property have been levied on or sold, on the first one hundred dollars, two per cent, and on all sums above that amount, one per cent. For executing a certificate of sale, fifty cents. The fees herein allowed shall be collected from the judgment debtor. For making every arrest in a criminal action, other than on a charge of felony, one dollar. For making every arrest on a charge of felony, one dollar and fifty cents. For summoning a jury of twelve or less persons, two dollars; for each extra jurymen over and above twelve, twenty-five cents. For every mile necessarily traveled in executing any warrant of arrest, serving subpoenas, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any Court, to the most distant point within the Constable's own county, thirty cents; *provided*, that when two or more persons, or two or more papers in the same case are served at the same time, or in the same direction, or on the same trip, but one mileage shall be charged to the most distant point of service. For conveying a prisoner, when under arrest, the necessary expense actually paid for the transportation of the prisoner. Constables shall not make any arrest or serve any paper in a criminal case on

any person outside of their own county, without first obtaining the written consent and order of the District Attorney of their county to do and perform such service as aforesaid.

15. Supervisors, for all services required of them by law or by virtue of their office, must be allowed six dollars (\$6) per day, and thirty cents per mile, in traveling from their place of residence to the Court House; *provided*, that only one mileage must be allowed at each term; and *provided further*, that no Supervisor must be allowed more than one day's pay for any one day by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; *provided*, that in no case shall the per diem of the Supervisors exceed eight hundred dollars (\$800) each in one year.

Super-
visors.

SEC. 170. In counties of the eighth class the county and township officers thereof shall receive, as compensation for the services required of them by law or by virtue of their office, the salaries as follows, to wit:

Eighth
class.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, eight thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, thirty-six hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.

Salaries of
officers.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings in which the people of the State of California are or may be parties, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; and no claim of any such Justice of the Peace in excess of the sum last named shall be allowed or paid, but all fees collected by such Justice in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which such Justice exercises his jurisdiction.

Justices.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may

Constable's
fees.

Constable's
fees.

be parties, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; and no claim of any such Constable in excess of the sum last named shall be allowed or paid, but all fees collected by such Constable in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which said Constable acts; *and provided further*, that the Board of Supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city of over five thousand inhabitants (and said Board may at any time determine such population), may, whenever they deem it necessary, allow each of the Constables of such township a deputy, or such number of deputies as in the judgment of the said Board of Supervisors may be required to do and perform the business of such office in connection with the principal, and allow each of said deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided further*, that an affidavit shall first be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer.

Super-
visors' per
diem.

15. The Supervisors, six dollars per day, for each day employed, together with twenty-five cents per mile, traveling from their residence to the county seat; *provided*, that from and after the passage of this Act, no Supervisor shall receive more than six days' compensation in any one month, whether for services rendered as Supervisor or Road Commissioner, unless the Board of Supervisors pass a resolution that further time is required (stating the amount) in which to transact the business of the county for such month, which resolution must be in writing and presented to the District Attorney for his approval or disapproval, which must be indorsed thereon; if he disapprove the same, no further compensation can be drawn by any Supervisor for such month; if he approve the same, the Supervisors shall be entitled to additional compensation at the same per diem as above mentioned, for such additional time as may be required to transact the business of the county, not to exceed the number of days set forth in said resolution.

Fees to be
collected
by County
Clerk.

16. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said Clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shall charge and collect for all transcription, recording, and copying done by him, or in his office, for which the County Clerk is now authorized or empowered to collect fees or make charges, twenty cents, and no more, per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county, and paid into the Treasury thereof; *provided*, that from and after the passage of this Act he shall collect and receive for his own use and benefit the fees received by him for all copies or certified copies of any record or file of his office. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and

By County
Recorder.

collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him, or in his office. And he shall charge ten cents, and no more, for indexing each name in any document or paper filed in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof, except fees received by him for all copies or certified copies of any record or file of his office, which fees for such copies or certified copies he shall collect and receive for his own use or benefit. He shall also receive from the county for making abstract of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the Assessor, as required by law, twelve and one half cents for each mortgagee or grantee, which shall be full compensation for making such abstract.

Fees of
County
Recorder.

17. The Recorder may appoint a chief deputy, at a salary of one hundred and twenty-five dollars per month, and an indexing deputy at a salary of one hundred dollars per month, and a comparing deputy at a salary of one hundred dollars per month. He may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied, and the Auditor shall draw his warrant monthly in favor of such copyists, upon an affidavit filed by each copyist so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the Recorder that it is correct; *provided*, that whenever such copyist is appointed, that a notice of such appointment must be immediately filed with the Auditor of the county; and *provided further*, that such appointment must be filed with the Auditor before he can draw any warrant in favor of such copyist.

Deputy
Recorders
and
copyists.

18. The County Clerk may, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid from and after the date of the approval of this Act.

Deputy
Clerk.

19. Parties commencing actions in the Superior Court, except in probate cases, must deposit seven dollars and fifty cents with the Clerk thereof, and upon the appearance in the action of the defendant or defendants, he or they must deposit two dollars and fifty cents with the Clerk, which amounts shall constitute the Clerk's fees in full in such action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk. The fee for filing petition for letters of administration, testamentary, or guardianship shall be seven dollars and fifty cents, to be paid to the Clerk upon the filing thereof. When the inventory and appraisement is offered for filing, and it appears therefrom that the value of the estate exceeds five thousand dollars, the Clerk shall demand and receive fifty cents for each and every one thousand dollars

Deposits
in suits
brought.

in excess of five thousand dollars; which said fees shall constitute the Clerk's fees in full in such action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk. In all actions now pending, in which a deposit has been made with the Clerk by the plaintiff or defendant, the same shall constitute the fees in such action, and be in full of all Clerk's fees therein.

Under Sheriff and deputies.

20. The Sheriff may appoint one Under Sheriff, at a salary of one hundred and fifty dollars per month, three deputies, at a salary of one hundred dollars per month each, and a jailer, at a salary of eighty-five dollars per month. The Sheriff shall collect and receive for his own use and benefit all fees and charges for serving process within his county, when the action or matter from whence such process originated is pending without his county.

Assistant District Attorney and deputies.

21. The District Attorney may appoint an Assistant District Attorney, at a salary of eighteen hundred dollars per annum; an Assistant District Attorney, at a salary of twenty-four hundred dollars per annum; a Deputy District Attorney, at a salary of fifteen hundred dollars per annum.

Immigration.

22. The Board of Supervisors may appropriate, from the General Fund of the county, the sum of two thousand five hundred dollars each year, to aid in and carry on the work of inducing immigration thereto.

When to take effect.

23. All the provisions herein relating to counties of this class shall take effect from and after the date of the approval of this Act, and the compensation of all assistants, deputies, and clerks shall be paid by the county in the same manner in which the salaries of county officers are now paid.

Shorthand reporters.

24. All shorthand reporters appointed by magistrates to take down the testimony and proceedings had in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the Superior Court, must present their claims for such services to the Board of Supervisors for allowance, and no Justice of the Peace or magistrate shall have the authority to draw an order upon the County Auditor for a warrant for such services.

Allowance to Judges.

25. Each of the Superior Judges shall receive from the county the sum of fifty dollars per month for stamps, stationery, and such clerical assistance as he may require at chambers to enable him to properly perform the duties of his office.

When county officers to be elected.

26. The officers mentioned in section fifty-seven of this Act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-two, and every four years thereafter, and shall take office at twelve o'clock meridian, on the first Monday after the first day of January next succeeding their election; *provided*, that Supervisors, Assessors, and Superintendents of Schools shall be elected as hereinbefore provided in this Act. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified.

Ninth class.

SEC. 171. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, viz.:

1. The County Clerk, two thousand seven hundred and fifty dollars per annum. Salaries of officers.

2. The Sheriff, three thousand six hundred dollars per annum. The Sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.

3. The Recorder, two thousand two hundred dollars per annum.

4. The Auditor, eight hundred dollars per annum.

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, eight hundred dollars per annum.

7. The Assessor, two thousand two hundred dollars per annum.

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

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, two thousand dollars per annum.

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

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

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the Board of Supervisors, six hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the Board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed. Super-
visors.

16. The County Clerk may appoint one chief deputy, at a salary of one thousand two hundred dollars per annum; two Court-room deputies, at a salary of nine hundred dollars per annum each. The County Recorder one deputy at a salary of one thousand two hundred dollars per annum, and two deputies at a salary of nine hundred dollars per annum each. The Treasurer may appoint one deputy at a salary of one thousand five hundred dollars per annum. The Assessor may appoint one office deputy at a salary of one thousand two hundred dollars per annum, and fifteen deputies, to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office, and he shall also receive fifteen per cent of all amounts collected by him for poll taxes, and six per cent on personal property tax collected by him. The District Attorney may appoint an Assistant District Attorney at a salary of fifteen hundred dollars per annum, and a Deputy District Attorney at a salary of nine Deputies.

Deputies. hundred dollars per annum. The Sheriff may appoint an Under Sheriff, who shall receive a salary of one thousand five hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a Deputy Sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or Court-room deputies, each of whom shall receive a salary of nine hundred dollars per annum; one jailer, who shall receive a salary of nine hundred dollars per annum. The officers named in section one hundred and seventy-one of this Act shall be elected in the year one thousand eight hundred and ninety-four, at the time provided by law, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of the expiration of the term of office of the Supervisors; *provided*, that whenever, in the opinion of the Board of Supervisors, it becomes necessary, the said Board shall allow any one of said officers, for a stated period, an additional deputy, or such number of deputies as in their judgment may be required to do the business of such office, in connection with the principal, at a salary not to exceed one hundred dollars per month. All the deputies, assistants, and clerks herein enumerated are to be paid at the times and in the manner that their principals are paid, from and after the approval of this Act. The Coroner shall cause the testimony given by witnesses at inquests held by him to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the Superior Courts of this State; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

When county officers to be elected.

Testimony before Coroner.

Tenth class.

Salaries of officers.

SEC. 172. In counties of the tenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, forty-five hundred dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, eighteen hundred dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, two thousand four hundred dollars per annum.
9. The Superintendent of Schools, one thousand eight hundred dollars per annum.
10. The Coroner, five hundred dollars per annum.
11. The Public Administrator, six hundred dollars per annum.
12. The Supervisors, eight dollars per day, and twenty cents mileage in going from their residences to the county seat.
13. The Surveyor, such fees as are now or may hereafter be allowed by law.
14. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that where such Justices are

engaged to exceed one day in the trial or examination of criminal cases, they shall receive for each day so engaged a sum not exceeding ten dollars.

15. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed fifteen cents for each mile traveled going one way in the discharge of the duties of his office and actual railroad fare for prisoners.

Whenever the Board of Supervisors shall be satisfied that the ^{Deputies.} duties of the County Clerk, County Recorder, County Assessor, County Auditor, County Treasurer, Sheriff, Superintendent of Schools, or Tax Collector, are too great to be performed by such officer, and absolutely require additional assistance, then the said Board of Supervisors may allow the appointment of as many deputies for such officers as may be absolutely necessary for the discharge of the duties of such offices, and fix the salary of each of such deputies at a sum not exceeding one hundred dollars per month, which shall be paid by the county; *provided*, that no appointment shall be allowed by the Board of Supervisors unless a written request therefor shall first have been filed with them from the officer or officers in need of such additional assistance, to which written request must be attached an affidavit of such officer or officers that the duties of his office or their offices absolutely require the appointment of the deputies asked for; *and provided further*, that the appointment of such deputies, or of either or any thereof, may be revoked by the Board of Supervisors, whenever the said Board shall be satisfied that the services of such deputy or deputies are no longer absolutely necessary for the due discharge of the duties of such office or offices; *and provided further*, that each of such county ^{Officers responsible for official acts of deputies.} officers shall be responsible on his official bond for the official acts of each of such deputies allowed by the said Board of Supervisors upon the written request of such county officer, and such county officer shall revoke the appointment of such deputies, whenever the duties of his office do not absolutely require the same; *and provided further*, that whenever the Board of Supervisors allow any such appointment, they shall do so by written authority to be filed in the offices of the County Clerk and County Auditor, together with the request and affidavit of the county officer desiring said appointment to be made, the original of the same being filed with the County Clerk, and the duplicate with the County Auditor.

Sec. 173. In counties of the eleventh class the county officers ^{Eleventh class.} shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum, and mileage ^{Salaries of officers.} for the service of any and all process required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.

Salaries of
officers.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, one thousand five hundred dollars per annum.

7. The Assessor, eighteen hundred dollars per annum.

8. The District Attorney, two thousand four hundred dollars per annum. And the District Attorney may appoint a Deputy District Attorney, at a salary of fifteen hundred dollars per annum, who shall hold his office at the pleasure of the District Attorney.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, one thousand eight hundred dollars per annum.

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

13. Constables, such fees as are now or hereafter may be allowed by law.

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

15. Supervisors, each six dollars per day for actual service, and forty cents per mile while traveling from his place of residence to the county seat; *provided*, that no more than one mileage in any one monthly term shall be allowed.

16. The fees and compensations of Constables in criminal cases or proceedings to which the people of the State of California are or may be made parties shall not exceed seventy-five dollars for any one month. All moneys in excess of this sum shall by said Constable be paid into the County Treasury, and the provisions of this subdivision shall not in any way be construed to affect present incumbents.

Fees to be
collected
by County
Clerk.

In counties of the eleventh class it shall be the duty of the County Clerk to collect in advance and pay into the County Treasury, in the cases hereinafter mentioned, the following fees, viz.:

1. In all civil actions and all special proceedings of a civil nature, and for all informations filed by a citizen for the purpose of removing an officer:

(a) From the plaintiff or informer on the commencement of every such action or proceedings, ten dollars; which shall be in full for all services to be performed by such Clerk to and including the entry, recording, and docketing of the judgment, and making up and filing the judgment roll.

(b) From the defendant in such cases, on his appearance, five dollars; which shall be in full for all like services.

(c) From the moving party, on filing notice of motion, for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such Clerk to and including the entry of the order finally granting or denying such motion.

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed by such Clerk thereon, to and including the filing of the remittitur from the Supreme Court, on such appeal. Fees to be collected by County Clerk.

2. In the matter of every estate and guardianship:

(a) From the petitioner, on filing each petition for letters testamentary, or of administration or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the inventory and appraisalment, in the matter of such estate or guardianship.

(b) Upon the filing of such inventory and appraisalment, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such Clerk in matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this State, ten dollars shall be in full for all services performed therein by such Clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(c) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator, or guardian to appear and answer concerning any matter touching such executorship, administratorship, or guardianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing and entry of the order or decree finally determining the same.

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

3. In case of any appeal to the Superior Court or transfer of any case thereto:

(a) From the appellant, on receipt of any papers or transcript on appeal from any Justice's or inferior Court, the sum of five dollars; which shall be in full for all services of such Clerk, to and including the entry of final judgment, and making and filing of the judgment roll and remitting of any order of dismissal or affirmance required by law.

(b) From the moving party on the filing of the papers in

Fees to be collected by County Clerk.

any case transferred to the Superior Court from any Justice's or inferior Court, pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry of final judgment, and making and filing of the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower Court.

(c) On the filing of the papers in every case for change of venue made to the Superior Court from the Superior Court of any other county, the sum of ten dollars; to be in full for all services to be performed by such Clerk, to and including the entry, recording, and docketing of the final judgment, and making up and filing of the judgment roll.

4. On the filing of any petition in insolvency:

(a) From the person so filing the same, the sum of ten dollars; which shall be in full for all services to be performed by such Clerk, in the matter of such insolvency, to and including the order finally determining such matter.

(b) From the appellant, on the filing of any notice of appeal from any order or decree made in the matter of such insolvency, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

When no fees are charged.

5. No fees shall be charged in any criminal case, nor for any services performed upon any writ of habeas corpus, nor against the State or county, nor against any public officer suing in his own name on behalf of the State or county, pursuant to any statute or ordinance; *provided*, that where any action is commenced by such State or county, at the relation of any person not a public officer, the fees herein provided for shall be paid by such relator.

Additional fees to be charged and collected by County Clerk.

6. In addition to the fees hereinbefore provided for, such Clerk shall charge and collect the following fees:

(a) For the issuance of any execution, order of sale, or any other writ or process subsequent to the entry of judgment, except in the cases mentioned in the last subdivision, one dollar; which shall include the filing of such execution, order, writ, or process on return, and the entry of partial or entire satisfaction thereon.

(b) For the copying of any record or other document or paper, fifteen cents per folio.

(c) For each certificate, except in criminal cases, fifty cents.

(d) For each affidavit not made by a public officer pursuant to any statute, nor in the case of any action or proceeding, nor in pursuance of any registration or election law of this State, fifty cents.

(e) For taking testimony on the justification to any undertaking or bond, or the taking of any deposition, including the certificate thereto, twenty cents per folio.

(f) For taking the acknowledgment to any deed or other writing, one dollar, for each person acknowledging the same.

(g) For issuing each marriage license, two dollars and fifty cents.

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

Section 3. This Act shall take effect and be in force, so far as it relates to fees collected by the County Clerk, from and after its approval.

SEC. 174. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. County Clerk, three thousand six hundred dollars per annum. Salaries of officers.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, three thousand two hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees: For recording any instrument, paper, or notice containing less than two hundred and fifty words, twenty-five cents; from two hundred and fifty words to four hundred and forty-nine words, fifty cents; from four hundred and fifty words to six hundred and forty-nine words, seventy-five cents; from six hundred and fifty words to seven hundred and ninety-nine words, one dollar; from eight hundred words to nine hundred and forty-nine words, one dollar and twenty-five cents; from nine hundred and fifty words to eleven hundred words, one dollar and fifty cents; more than eleven hundred words, fifteen cents for each folio; all headings and certificates of filings to be included in the count. For copies of any record or paper, the same fee as for recording. For indexing any instrument, paper, or notice, twenty-five cents for each name indexed. For each certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, and marking same on indexes, fifty cents. For searching records or files in his office, for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, fifty cents. For recording every plat or map, for each course, ten cents. For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, one dollar. For recording each mark or brand, seventy-five cents. For administering each oath or affirmation, twenty-five cents. For certifying the same, twenty-five cents. For filing, indexing, and keeping each map or paper not required by law to be recorded, fifty cents. For recording and indexing mining claims and water rights, the same fees as are allowed for recording and indexing any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

Fees to be charged and collected by the County Recorder.

4. The Auditor, one thousand four hundred dollars per annum. Salaries of officers.

5. The Treasurer, two thousand four hundred dollars per annum.

- Salaries of officers.
6. The Tax Collector, three thousand dollars per annum.
 7. The Assessor, five thousand dollars per annum.
 8. The District Attorney, two thousand dollars per annum.
 9. The Coroner, such fees as are now or may hereafter be allowed by law.
 10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
 11. The Superintendent of Schools, two thousand dollars per annum.
 12. The Surveyor, such fees as are now or may hereafter be allowed by law.
 13. Justice of the Peace, such fees as are now or may hereafter be allowed by law.
 14. Constables, such fees as are now or may hereafter be allowed by law.
 15. Supervisors, each, the sum of six hundred dollars per annum and actual mileage, not to exceed in any one year the sum of one hundred dollars.
- Thirteenth class.
- SEC. 175. In counties of the thirteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
- Salaries of officers.
1. County Clerk, four thousand dollars per annum.
 2. Sheriff, six thousand dollars per annum; *provided*, that said Sheriff be empowered to appoint a jailer to take charge of the branch county jail, such jailer to receive a salary of six hundred dollars per annum.
 3. Recorder, three thousand six hundred dollars per annum.
 4. Auditor, two thousand dollars per annum.
 5. Treasurer, two thousand dollars per annum.
 6. The Tax Collector, one thousand five hundred dollars per annum. He shall also collect all county licenses, and shall receive such fees as are now or may hereafter be allowed by the Board of Supervisors for the collection of county licenses; *provided*, that he may employ one deputy at a salary not to exceed one thousand dollars per annum; *provided further*, that he shall not be allowed a deputy after the first Monday in January, eighteen hundred and ninety-three.
 7. The Assessor, three thousand three hundred dollars per annum; *provided*, that said Assessor be empowered to employ a deputy, who shall receive a salary of one thousand dollars per annum.
 8. The District Attorney, three thousand dollars per annum.
 9. The Public Administrator, one thousand dollars per annum.
 10. The Coroner, such fees as are now or may hereafter be allowed by law.
 11. The Superintendent of Schools, one thousand five hundred dollars per annum.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
 13. Justices of the Peace, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the

salaries of the county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal cases. Each Justice of the Peace must keep a book, open to the inspection of the public during office hours, in which must be entered, at once and in detail, the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected into the County Treasury, for the benefit of the county; *provided*, that said Justices of the Peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases. Justices of the Peace.

14. Constables, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salary of the county officers are paid, such salary to be full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said Constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases. Constables.

15. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, they shall be allowed their actual expenses. Supervisors.

The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the Treasury of the county, except where the officer is by law entitled to receive the fees collected, for his own use and benefit. All fees shall be payable in gold and silver coin of the United States. Fees.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

FEES OF SHERIFF.

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, executing an order of arrest, or order for delivery of personal property, two dollars. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars. For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sums as the Court may order; *provided*, that not more than three dollars per 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 as required by law, for each folio, twenty cents. For serving every notice, rule, or order, one dol- sheriff's fees.

Sheriff's
fees.

lar. For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, one dollar. For serving a writ of possession or restitution, or 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 notice of sale, to sell property under execution, or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete such service), for each mile necessarily traveled, in going only, thirty cents. For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, three per cent; on all sums above that amount, two per cent. For commissions in receiving and paying over money on execution without levy, or when land or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage, for making and collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution in the same manner as the sum directed herein to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars and fifty cents. For executing a certificate of sale, exclusive of filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, four dollars. For all services in Justice's Courts, the same fees as are now allowed Constables for like services. For conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed for the boarding of prisoners such sum as the Board of Supervisors may deem necessary.

FEEES OF COUNTY CLERK.

Fees of
County
Clerk.

For issuing marriage licenses, two dollars; one half of which shall be paid to the County Recorder. For filing articles of incorporation, fifteen cents; and for indexing each name, fifteen cents. For filing certificates of copartnership, fifteen cents; and for indexing each name, fifteen cents. For all certificates under seal, fifty cents. For all other services, the same fees as are allowed him for similar services in the Superior Court. The Clerk of the Board of Supervisors shall receive for issuing each bridge or ferry license, one dollar. For copy of any paper,

Fees of
County
Clerk.

order, ordinance, or franchise, twenty cents per folio. At the commencement of each suit or proceeding, the Clerk shall be entitled to demand and receive from the plaintiff, or petitioner, not to exceed the sum of ten dollars, to cover the costs to the time of judgment, or final decree or order; and the defendant, three dollars, to cover costs for the same time. If, in the progress of the action or proceeding, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as may be deemed necessary to cover costs to the time of judgment, final decree, or order, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action or proceeding shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive for entering each suit or proceeding, on the Clerk's register of actions, or register of proceedings, and for making the necessary entries therein during the progress of the suit or proceeding, and of the trial and subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For issuing every writ or process, under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, fifty cents. For filing each paper, fifteen cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, per folio, twenty-five cents, when the same contains one folio or less; for each additional folio in excess of one, twenty cents. For calling and swearing every jury voir dire, fifty cents. For calling and swearing every jury to try cause, forty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every cause or proceeding on the calendar, twenty cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For making up and filing judgment roll, twenty-five cents. For each entry of judgment on judgment docket, twenty-five cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation, twenty-five cents. For certifying the same, twenty cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, fifty cents. For issuing every commission to take testimony, one dollar. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents. For issuing every execution, or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking and approving each undertaking or bond, fifty cents. For taking justification thereto, twenty-five cents. For taking testimony on justification of 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 every suit in the general

Fees of
County
Clerk.

index of the Court, as required by law, for each name, twenty cents. For filing and entering papers on transfer of cases from other Courts, two dollars. For transmission of files or transfer of cases to other Courts, including certificates of order of transfer, two dollars. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justice's Courts, for each case, two dollars. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, twenty-five cents. For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing the same, twenty cents. For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his or her commitment, per folio, fifteen cents. For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents. For issuing a license required by law, one dollar; *provided*, that no fees shall be charged by the Clerk for affidavit or certificate for or in behalf of a United States pension applicant. For issuing letters testamentary or of administration, fifty cents. For filing and registering each claim on register of claims, twenty-five cents.

FEES OF RECORDER.

Fees of
County
Recorder.

For recording every instrument, paper, or notice, for each folio, fifteen cents. For indexing every instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, per folio, fifteen cents. For every instrument for record, and making necessary entries thereon, fifteen cents. For each certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same, and indexing 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*, that the fees for recording any town plat shall not exceed one hundred dollars. For taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage licenses and certificate, to be paid by the Clerk, one dollar. For recording transcript, and for all other services in estray cases, one dollar. For each mark or brand, one dollar. For administering each oath or affirmation, twenty-five cents. For indexing and keeping each paper not required by law to be recorded, twenty-five cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the fees as are allowed the Clerk of the Superior Court for like services.

SEC. 176. In counties of the fourteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county; *provided*, he shall devote his entire time to the duties of said office.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that when the actual trial or examination of a criminal case shall exceed six hours' time, then said Justice shall receive fifty cents per hour for each additional hour actually engaged in the trial or examination.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, five hundred dollars each per annum.

SEC. 177. In counties of the fifteenth class the county officers shall receive, as compensation for the services required of them by law, the following salaries:

1. The County Clerk, three thousand six hundred dollars per annum.
2. The Sheriff, four thousand five hundred dollars per annum. The Sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.
3. The Recorder, three thousand six hundred dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, three thousand dollars per annum.

Salaries of
officers

8. The District Attorney, one thousand eight hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand six hundred and fifty dollars per annum.

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

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

14. Constables, such fees as are now or hereafter may be allowed by law.

15. The Supervisors, each the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat at each session of the Board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

Sixteenth
class

SEC. 178. In counties of the sixteenth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers

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

2. The Sheriff, seven thousand dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.

3. The Recorder, two thousand five hundred dollars per annum.

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

5. The Treasurer, two thousand four hundred dollars per annum.

6. The Tax Collector, one thousand five hundred dollars per annum.

7. The Assessor, four thousand dollars per annum.

8. The District Attorney, two thousand four hundred dollars per annum.

9. The Coroner, such fees as are now or may be hereafter allowed by law.

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

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

Super-
visors

15. Supervisors, or Road Commissioners, nine hundred dollars each per annum, and mileage when acting as Road Commissioner, twenty-five cents per mile, one way; *provided*, the

amount of mileage shall not exceed the sum of three hundred dollars in any one year. The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow such reporter such monthly salary as may be deemed reasonable, but which shall not be less than (\$50) fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary, except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the Treasury of the county, except where the officer by law is entitled to receive the fees collected, for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEEES OF SHERIFF.

For serving a summons and complaint or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For serving an attachment on any boat, ship, or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the Court may order; *provided*, that no more than two dollars per diem shall be allowed to a keeper. For taking bonds or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, two dollars. For serving a subpoena, for each witness summoned, twenty-five cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, Sheriff's fees.

Sheriff's
fees

that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point, to complete such service), for each mile necessarily traveled, in going only, twenty cents. For commissions for receiving and paying over money, on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one half of one per cent, and one fourth of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents. For executing a certificate of sale, exclusive of the filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, three dollars. For all services in Justice's Courts, the same fees as are allowed Constables for like services. For conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State Prison, and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

FEES OF COUNTY CLERK.

Clerk's
fees

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to time of judgment, and from the defendant, three dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sums as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial, and of the subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five cents. For issuing every writ of process under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, fifty cents. For filing each paper, twenty-five cents. For entering every motion and order,

rule, default, discontinuance, dismissal, or nonsuit, fifty cents. Clerk's fees.
 For calling and swearing every jury on voir dire, fifty cents.
 For calling and swearing every jury to try cause, fifty cents.
 For receiving and entering each verdict of a jury, fifty cents.
 For entering every final judgment, for the first folio, one dollar;
 for each subsequent folio, twenty-five cents. For making up
 and filing judgment roll, fifty cents. For each entry of judg-
 ment on judgment docket, twenty-five cents. For entering
 satisfaction or credit on judgment docket, fifty cents. For
 administering every oath or affirmation, twenty-five cents.
 For certifying the same, twenty-five cents. For copy of any
 proceeding, record, or paper, per folio, twenty cents. For every
 certificate under seal, fifty cents. For issuing every commis-
 sion to take testimony, one dollar. For writing down testimony
 of witnesses during trial, for each folio (to be paid by the
 party requiring the same), twenty-five cents. For issuing
 every execution or other final process, under seal, fifty cents.
 For copy of every decree or order of sale of mortgaged prop-
 erty, for each folio, twenty-five cents. For receiving and filing
 every remittitur from Supreme Court, and accompanying papers,
 one dollar. For taking and approving each undertaking or
 bond, fifty cents. For taking justification thereto, fifty cents.
 For taking testimony on justification to undertaking or bond,
 for each folio, twenty-five cents. For taking acknowledgment
 of deed or other instrument, to include all writing and the
 seal, for the first name thereto, fifty cents; for each additional
 name, twenty-five cents. For indexing every suit in the gen-
 eral index of the Court, as required by law, for each name,
 twenty cents. For filing and entering papers on transfer of
 cases from other Courts, three dollars. For transmission of
 files or transfer of cases to other Courts, including certificate
 of order of transfer, two dollars. For searching records or
 files of each year, except for suitors or their attorneys, fifty
 cents. For filing all papers on appeal from Justice's Courts,
 for each case, one dollar and fifty cents. For writing and
 posting each notice required, fifty cents. For each notice for
 publication, in addition to the cost of publication, fifty cents.
 For recording papers required by law to be recorded, for each
 folio, twenty-five cents; for indexing same, twenty cents. For
 issuing each marriage license, one half to be paid to the County
 Recorder, two dollars. For recording the testimony and com-
 mitment upon examination of insane persons, when it is ascer-
 tained by the Judge of the Superior Court that the person
 committed has sufficient property to pay the expenses of his
 commitment, per folio, twenty-five cents. For filing all papers
 to be kept by him, not required to be recorded, twenty-five cents;
 for indexing same, for each name, twenty-five cents. For issuing
 any license required by law, one dollar. For all services in
 estates of deceased persons, fees shall be charged as follows, the
 value of the estate required to be determined herein to be ascer-
 tained from the inventory and appraisement thereof: Estates
 of the value of fifteen hundred dollars or less, three dollars;
 estates of over fifteen hundred dollars and not exceeding ten

Clerk's
fees.

thousand dollars, ten dollars; estates of ten thousand dollars and not exceeding fifty thousand dollars, fifteen dollars; estates of over fifty thousand dollars, fifteen dollars, and fifteen cents for each paper filed, and twenty-five cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk of such county shall charge and collect for each action or proceeding commenced in the Superior Court of the county, a fee of two dollars, in addition to the fees above mentioned, which sum shall be deposited in the Treasury of the county, as a fund for the purpose of establishing a law library, and shall be expended, by and under the direction of the Judge or Judges of the Superior Court of such county, for said purpose. No fees shall be charged by County Clerks for affidavits or certificates for or in behalf of the United States pension applicants. For all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons.

The provisions of this Act respecting the fees of County Clerk shall take effect immediately.

FEES OF RECORDER.

Recorder's
fees.

For recording every instrument, paper, or notice, for each folio, twenty cents. For indexing every instrument, paper, or notice, twenty-five cents for each name indexed. For copies of any record or paper, per folio, twenty cents. For filing every instrument for record, and making the necessary entries thereon, twenty cents. For each certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents. For searching records of files in his office, for each year, when required, fifty cents. For abstracts of title, for each conveyance or incumbrance certified, fifty cents. For recording every plat or map, for each course, ten cents. For figures and letters on plats or maps, per folio, fifty cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording transcript and for all other services in 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, fifty cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

The provisions of this Act respecting the fees of County Recorder shall take effect immediately.

FEES OF CORONER.

For general services in holding an inquest, ten dollars. For each witness subpoenaed, twenty-five cents. For each mile necessarily traveled in going to the place of the inquest, twenty-five cents. For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

Coroner's fees.

FEES OF COUNTY SURVEYOR.

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars. For each mile run with compass alone, one dollar and fifty cents. For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents. For each mile run with compass alone, one dollar. For each lot laid out and platted in any city or town, one dollar. For recording a survey, seventy-five cents. For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course. For traveling to place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him. For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar. For copies and certificates, per folio, fifteen cents. For erecting a monument at the corner of any survey, when required, fifty cents. For erecting a monument when running a line, at a variation or offset, when required, twenty-five cents. For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in case of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

Surveyor's fees.

FEES OF THE JUSTICES OF THE PEACE.

For entering every cause upon his docket, fifty cents. For filing each paper in the suit, twenty-five cents. For issuing any writ or process by which the suit is commenced, fifty cents. For issuing subpoena, for each person, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment or arrest, or for the delivery of property, one dollar. For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents.

Justice's fees.

Justices'
fees.

For issuing an execution, one dollar. For taking depositions, per folio, twenty cents. For issuing search warrants, fifty cents. For affidavit for search warrant, including entry on his docket, when there is no other or further action, one dollar. For entry of cause, without process, one dollar. For entering every motion, rule, order, exception, or default, twenty-five cents. For entering any final judgment, for the first folio, one dollar; for every additional folio, twenty cents. For entering judgment by confession, and only on affidavit, as required in the Superior Court, three dollars. For entering satisfaction of a judgment, fifty cents. For issuing commission to take testimony, fifty cents. For transcript of a judgment, order, docket, or paper in his office, for each folio, twenty cents. For making up and transmitting transcript and papers on appeal, one dollar and fifty cents. For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents. For celebrating a marriage and returning a certificate thereof to the County Recorder, five dollars. For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers of the case), for each folio, twenty cents. For taking bail after commitment in criminal cases, one dollar. For all services connected with the posting of the estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace, who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed the Coroner for similar services. When the venue shall be changed the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive, in addition to such fees as have accrued in the case, the sum of one dollar, all of which fees must be paid before the Justice shall be required to transmit the papers, and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

FEEES OF CONSTABLES.

Constables'
fees.

For serving summons in civil cases, for each defendant, fifty cents. For summoning a jury before a Justice of the Peace, two dollars and mileage. For making sales of estrays, the same fees as for sales on execution. For all other services, the same fees as are allowed to Sheriffs for similar services. In all criminal cases: For making every arrest, two dollars and mileage. For summoning a jury of twelve persons or less, two dollars and mileage. For serving a subpoena, fifty cents for each person so served. For every mile necessarily traveled in executing any

warrant of arrest, serving subpoena, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any Court (provided, that when, in the same action, any two or more persons are served at the same time, or in the same direction, but one mileage shall be charged to the most distant point), thirty cents per mile, going only. For conveying a person when under arrest, the necessary expense actually paid for transporting. The provisions of this Act respecting the fees of Constables shall take effect immediately.

Constables' fees.

FEEES OF INTERPRETERS.

Interpreters and translators shall be allowed such compensation for their services as the Courts shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

Interpreters' fees.

FEEES OF WITNESSES AND JURORS.

Each person subpoenaed as a juror, or a witness in behalf of the people, whether before the Superior Court, Grand Jury, Referee, or Commissioner, shall be entitled to pay at the rate of two dollars per day for each day's attendance; and for mileage, at the rate of twenty-five cents per mile necessarily traveled, in going only. No person shall be obliged to testify in a civil action unless his fees shall have been paid, or tendered, or shall not have been demanded at the time he was subpoenaed. No fees shall be allowed to any witness in any criminal action or proceeding, on the part of the defendant, except in a Court of record, or before a Grand Jury, and then only upon the certificate and order of the Judge of the Superior Court, who shall first be satisfied by the oath or affidavit of the witness, that he resides out of the county, or that he is so poor as not to be able to bear his own expense. Each person who is subpoenaed to serve as a witness or juror in a civil case before a Justice of the Peace or Superior Court shall receive two dollars per day for each day actually in service as such witness or juror, and also twenty-five cents for each mile traveled, in going only.

Witnesses' and jurors' fees.

FEEES OF PUBLIC ADMINISTRATORS.

The Public Administrator shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators, by an Act entitled "An Act to regulate the settlement of the estates of deceased persons," passed May first, eighteen hundred and fifty-one.

Public Administrators' fees.

JUDGES AND CLERKS OF ELECTION.

The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed; which shall be full compensation for all services required by law to be performed.

Election officers.

NO OTHER FEES ALLOWED.

No other
fees
allowed.

The officers above named shall receive no other fees, for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this subdivision, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides cost of suit, and may be indicted, and if found guilty shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

FEES—WHEN PAID.

When fees
are paid.

The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the Judge of the Superior Court, setting forth that he has a good cause of action or defense and that he is unable to pay the fees in advance, the Judge of the Superior Court may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the Judge of the Superior Court.

TABLE OF FEES.

Table of
fees.

Every officer herein specified shall prepare and set up in his office a plain table of fees, as prescribed in this Act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with cost, by any person, before any Justice of the Peace of the same county.

EXECUTION FOR FEES.

Execution.

If any Clerk, Sheriff, Justice of the Peace, or Constable shall not receive any fees due to him, for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

COST OF PUBLICATION—WHEN PAID.

Costs of
publication.

When, by law, any publication is required to be made by an officer of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuses or neglects to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section named, to complete the business of their respective offices to the time of the expiration of their respective terms; and in case an officer, at the close of his term, shall leave to his successor official labor to be performed for which he has received compensation, or which it was his duty to perform, he shall be liable to pay his successor the full value of such service, which may be recovered in any Court of competent jurisdiction.

NO OTHER COMPENSATION.

None of the officers mentioned in this Act shall receive any other compensation whatever, for any service that now or may be hereafter required of them in the discharge of their respective offices.

FEE BOOK.

It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compen-

Fee book. sations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, if paid, and the nature of the service in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

Penalty. If any officer named in this section shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at the time of sentence.

Seventeenth class. SEC. 179. In counties of the seventeenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

- Salaries of officers.
1. The County Clerk, two thousand dollars per annum.
 2. The Sheriff, four thousand five hundred dollars per annum.
 3. The Recorder, two thousand four hundred dollars per annum.
 4. The Auditor, five hundred dollars per annum.
 5. The Treasurer, one thousand eight hundred dollars per annum.
 6. The Tax Collector, five hundred dollars per annum.
 7. The Assessor, three thousand dollars per annum.
 8. The District Attorney, two thousand dollars per annum.
 9. The Coroner, such fees as are now or hereafter may be allowed by law.
 10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
 11. The Superintendent of Schools, sixteen hundred dollars per annum.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
 14. Constables, such fees as are now or hereafter may be allowed by law.
 15. Supervisors, five hundred dollars per annum, and ten cents per mile mileage in traveling to and from their respective residences to the county seat.

Deputies. 16. The Board of Supervisors of counties of the seventeenth class may authorize, by an order in open session of said Board, the officers named in section one hundred and seventy-nine of

this Act to employ such additional assistants or deputies as they may deem necessary for the transaction of the public business, and fix the compensation of such assistants or deputies, and the same shall be a county charge.

17. The officers named in section one hundred and seventy-nine of this Act, except three Supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of Supervisors.

When officers to be elected.

18. All persons residing in the counties of the seventeenth class, attending as witnesses before the Superior Court in criminal cases, shall be paid by the County Treasurer, upon the order of the Judge of the Superior Court, the sum of one dollar and fifty cents per day for the time actually in attendance, and mileage at the rate of ten cents per mile, one way only. The District Attorney may show by competent evidence that a witness was not subpoenaed in good faith, and the rules of Court and practice in civil actions relating to striking out cost bills and the items therein shall apply; and if the Court should find that a witness was not subpoenaed in good faith and for the purpose of giving material testimony, no compensation whatever shall be given such witness.

Witnesses' fees.

SEC. 180. In counties of the eighteenth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Eighteenth class.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, three thousand two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, six hundred and fifty dollars per annum.
7. The Assessor, five thousand five hundred dollars per annum.
8. The District Attorney, two thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office, his salary shall only be six hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.

Salaries of officers.

Super-
visors.

Each member of the Board of Supervisors shall receive for all services required of him by law, or by virtue of his office, the sum of five hundred dollars per annum, and ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the Board.

Nine-
teenth
class.

SEC. 181. In counties of the nineteenth class the county officers shall receive, as compensation for all services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

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

7. The Assessor, three thousand two hundred dollars per annum.

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

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, sixteen hundred dollars per annum; *provided*, the Superintendent shall not be permitted to, nor shall he teach any school, but shall devote his entire attention to the duties of his office.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat at each session of the Board; *provided*, that when the duties of the office of Treasurer and Tax Collector are consolidated, as provided in section fifty-seven of this Act, that the full compensation of said office of Treasurer and Tax Collector for such consolidated duties shall be two thousand five hundred dollars per annum.

Twentieth
class.

SEC. 182. In counties of the twentieth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, or as ex officio officers, the following salaries, to wit:

Salary of
County
Clerk.

1. County Clerk, four thousand dollars per annum. The County Clerk and ex officio Clerk of the Superior Court shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For services performed

by him on the commencement of an action or proceeding, including the filing and indexing of all papers, to and including the rendition, entry, and docketing of judgment, five dollars. For issuing each execution or final process, fifty cents. For each day engaged in a jury trial, two dollars and fifty cents. For filing, indexing, and entering papers on transfer of papers from other Courts, up to and including the rendition, entry, and docketing of judgment, three dollars. For administering and certifying oaths, or other papers, except oaths administered during the trial to jury and witnesses, and to claimants to bills against counties, fifty cents. For taking and certifying depositions, per folio, ten cents. For taking acknowledgments, one dollar; and for each name above one, fifty cents. For services performed in cases appealed from Justice's Courts, up to and including the rendition, entry, and docketing of judgment, three dollars. For filing, docketing, and issuing execution on transcripts of judgment from other Courts, one dollar. For filing execution on return and satisfying judgment, fifty cents. For copies of all papers, exclusive of certificate, per folio, ten cents. For filing and indexing articles of incorporation, two dollars. For filing and indexing certificates of copartnership, one dollar. For issuing marriage license, two dollars. For filing any paper other than herein provided for, ten cents. For comparing copies of papers or transcripts, when not prepared by Clerk, per folio, two cents. For filing the papers and issuing letters of administration, or guardianship, or special administration, in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed one thousand dollars, no further fees shall be charged; where the value of the estate does not exceed one thousand five hundred dollars, an additional three dollars; where the value of the estate does not exceed three thousand dollars, five dollars; and for each additional one thousand dollars in value above three thousand dollars, and not exceeding ten thousand dollars, one dollar; and for each one thousand dollars in value of all estates of ten thousand dollars and upwards, as shown by the inventory, to be collected by the Clerk upon the filing of the inventory, two dollars for each one thousand dollars.

Fees of
County
Clerk.

2. Sheriff, five thousand five hundred dollars per annum. The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each person, fifty cents. For levying an attachment on property, or levying an execution or order for the delivery of personal property, fifty cents. For the trouble and expense of taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the Court may order; *provided*, that no more than two dollars and fifty cents per diem shall be allowed to a keeper. For serving every notice, rule, or order, fifty cents. For advertising property for sale on execution or other process, the cost paid by line for publication.

Sheriff's
Salary.

Sheriff's
fees.

Sheriff's
fees.

For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, one dollar. For serving a subpoena on each witness, ten cents. For traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, per mile, ten cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent, and all above that sum, one half per cent. For drawing and executing a Sheriff's deed, to include the acknowledgment, two dollars. For executing a certificate of sale, exclusive of the filing and recording, fifty cents.

Recorder's
salary.

3. Recorder, two thousand five hundred dollars per annum. The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit:

Fees of
Recorder.

For recording any document, for each folio, eight cents. For copies of any document, for each folio, eight cents. For indexing every document, per name, five cents. For any certificate under seal, fifty cents. For every entry of satisfaction of mortgage on the margin of the record, twenty-five cents. For searching records and files of his office, for each year, five dollars. For taking and certifying acknowledgments, one dollar for first name, and for each additional name, fifty cents. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For administering and certifying oaths, each fifty cents. For recording marriage licenses, nothing.

Salaries of
county
officers.

4. Auditor, one thousand eight hundred dollars per annum, and one clerk at a monthly salary of not exceeding fifty dollars.

5. Treasurer, one thousand eight hundred dollars per annum.

6. Tax Collector, two thousand dollars per annum.

7. Assessor, four thousand dollars per annum.

8. District Attorney, one thousand five hundred dollars per annum.

9. Coroner, such fees as are allowed by law.

10. Public Administrator, such fees as are allowed by law.

11. School Superintendent, one thousand five hundred dollars per annum.

12. Surveyor, such fees as are allowed by law.

13. Justices of Peace, such fees as are allowed by law, except those within incorporated cities, when no fees shall be allowed in case of misdemeanors.

Constables.

14. Constables, the same fees as are herein directed to be collected by the Sheriff for like services, and as follows, to wit: For summoning a jury, one dollar. For making an arrest in criminal cases, one dollar. For traveling to serve any paper, document, warrant of arrest, or process, for each mile necessarily traveled, in going only, to the place of service, ten cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only

shall be charged to the most distant point to complete such service; *and provided further*, that in no event shall he be allowed any mileage beyond the boundaries or limits of the county. No other fees or allowances shall be allowed.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage for one session of the Board shall be allowed, and the additional sum of two hundred dollars each per annum for their services as Road Commissioners. Super-
visors.

Grand and trial jurors shall receive two dollars per day for attendance upon all Courts of record, and ten cents mileage per mile, one way, from the place of their residence to the county seat. Jurors and witnesses in civil cases in Justice's Courts shall receive the same compensation and mileage as in Courts of record. Compensa-
tion of
jurors.

Sec. 183. In counties of the twenty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Twenty-
first class.

1. The County Clerk, twenty-five hundred dollars per annum. Salaries of
officers.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justice of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said Constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases. The provisions of this subdivision shall take effect from and after the approval of this Act. Constables.

15. Supervisors, five hundred dollars each per annum, and twenty cents per mile necessarily traveled, in going only, from their residence to the county seat, and the additional sum of one hundred dollars each per annum for their services as Road Commissioners; *provided*, that when the Board of Supervisors consolidate the duties of county offices, as provided by section Super-
visors.

fifty-seven of this Act, that said offices so consolidated shall receive, as compensation for such consolidated duties, not to exceed the following:

Salaries
when con-
solidated.

1. Sheriff and Tax Collector, six thousand six hundred dollars per annum.

2. Auditor and Recorder, two thousand six hundred dollars per annum.

3. Clerk, Auditor, and Recorder, four thousand one hundred dollars per annum.

4. Clerk and Recorder, three thousand five hundred dollars per annum.

5. Clerk and Auditor, three thousand one hundred dollars per annum.

6. Treasurer and Tax Collector, two thousand one hundred dollars per annum.

Twenty-
second
class.

Sec. 184. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, three thousand seven hundred and fifty dollars per annum.

2. The Sheriff, seven thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand dollars per annum.

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

7. The Assessor, five thousand five hundred dollars per annum.

8. The District Attorney, two thousand seven hundred and fifty dollars per annum.

9. The Coroner, the fees that are now or hereafter may be allowed by law.

10. The Public Administrator, the same fees as are allowed executors for similar services.

11. The Superintendent of Schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in the discharge of his official duties, to be audited and allowed periodically by the Board of Supervisors, not exceeding three hundred dollars per annum.

12. The Surveyor, ten dollars per day for each and every day while engaged in county work, as ordered by the Board of Supervisors, and necessary traveling expenses incurred in going to and from the place of labor.

13. Justices of the Peace, such fees as are now allowed by law, except that for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars per day, and ten cents per folio for writing down testimony when required by law.

14. Constables, fees allowed by general fee bill of eighteen hundred and seventy.

15. Supervisors, each, the sum of six hundred dollars per annum, and twenty cents a mile for each mile of travel to and from their residence and the place of holding their meeting.

16. The officers named in section one hundred and eighty-four of this Act, except three Supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election, nor the expiration of the terms of Supervisors.

When officers to be elected.

Sec. 185. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Twenty-third class.

1. The County Clerk, two thousand five hundred dollars per annum.

Salaries of officers.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum.

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

5. The Treasurer, two thousand dollars per annum.

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

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, fifteen hundred dollars per annum; *provided*, the Superintendent of Schools may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary, to enable the Superintendent to visit the schools of his county, as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said Board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. The Supervisors, each, the sum of six dollars per day, for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the Board.

Sec. 186. In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Twenty-fourth class.

1. The County Clerk, one thousand five hundred dollars per annum.

Salaries of
officers.

2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county; *provided*, he shall devote his entire time to the duties of said office.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that when the actual trial or examination of a criminal case shall exceed six hours' time, then said Justice shall receive fifty cents per hour for each additional hour actually engaged in the trial or examination.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, five hundred dollars each per annum.
16. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the Treasury of the county, except where the officer is by law entitled to receive the fee collected, for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

SHERIFF'S FEES.

Sheriff's
fees.

For serving summons, each defendant, one dollar. For taking bond or undertaking, fifty cents. Copies of writ or other paper, per folio, fifteen cents. Serving every notice, rule, or order, fifty cents. Serving subpoena, each witness, twenty-five cents. Attachment, one dollar and fifty cents. Levying execution, one dollar and fifty cents. Executing order of arrest, one dollar and fifty cents. Executing order for delivery of personal property, one dollar and fifty cents. Keeper's fees, to be allowed by Court, not exceeding, per day, three dollars. Attachment on vessel, one dollar and fifty cents. Care of vessel under attachment, all necessary expenses, allowed by Court, and, in addition, per day, three dollars. For selling any boat, vessel, or tackle, apparel, or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as on execution. For advertising property for sale on execution, or under any

judgment or order of sale, exclusive of cost of publication, one dollar. Commissions on sale, two per cent on the first one thousand dollars, and one per cent on all sums above that amount. Commissions, without levy or sale, one and one half per cent on the first one thousand dollars, and one per cent on all over that sum. Sheriff's deed, including acknowledgment, four dollars. Serving writ of possession or restitution, five dollars. Attendance on Court of record, per day, three dollars. For holding inquest or trial of right of property, including all service, except mileage, three dollars. Arrest in criminal proceeding, two dollars. Summoning a grand jury, six dollars. Summoning trial jury, three dollars; each additional juror, twenty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, twenty-five cents. For traveling to serve any process in criminal cases, or for taking a prisoner from prison before a Court or magistrate, for each mile necessarily traveled, in going only, twenty cents. For taking a prisoner from the place of arrest to prison, or before a Court or magistrate, for each mile necessarily traveled, in going only, twenty-five cents; for each additional prisoner, taken at the same time, fifteen cents. For executing every sentence of death, twenty dollars. For all services in Justice's Courts, the same fees as are allowed to Constables. Sheriff's fees.

FEE BILL OF COUNTY CLERK.

For entering suit in the registry, and making necessary entries during the progress of the suit to the final determination thereof, for first folio, fifty cents; for each subsequent folio, twenty-five cents. For issuing every writ or process under seal, except the writ of habeas corpus, fifty cents. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, twenty-five cents. For entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents. For entering every cause on the calendar and making copy thereof for bar, for each term of Court, fifty cents. For taking justification thereto, fifty cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For acknowledgment, first name, fifty cents; each additional name, twenty-five cents. For indexing every suit, each name, ten cents. For filing and entering papers on transfer of cases to other Courts, including certificate of order, two dollars. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justice's Court, for each case, three dollars. All subsequent services on appeal at same rates as above pro- Clerk's fees.

Clerk's
fees.

vided for similar service. For issuing letters testamentary, administration, or guardianship, fifty cents. For writing and posting each notice required, twenty-five cents. For each notice of publication, in addition to the cost of publication, unless such notice is prepared by the petitioner or his attorney therein, fifty cents. For calling and swearing every jury or venire, twenty-five cents. For calling and swearing every jury to try cause, fifty cents. For receiving and entering verdict of jury, fifty cents. For entering final judgment, first folio, one dollar; for each subsequent folio, twenty-five cents. For making up and filing judgment roll, fifty cents. For each entry of judgment on docket, twenty-five cents. For entering satisfaction or credit on docket, twenty-five cents. For administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, fifty cents. For issuing every commission to take testimony, one dollar. For writing down testimony of witness during trial, per folio, twenty-five cents. For issuing execution or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court and accompanying papers, one dollar. For taking and approving each undertaking or bond, fifty cents. For recording wills or other papers, each folio, fifteen cents. For marriage license and affidavit, two dollars and fifty cents. Pension and naturalization papers, no charge.

RECORDER'S FEES.

Recorder's
fees.

For each instrument, per folio, fifteen cents. For copies of record, per folio, fifteen cents. For indexing, each name, ten cents. For certificate under seal, fifty cents. For discharge of instrument on margin, fifty cents. For searching record, each year, per name, twenty-five cents. For abstract of title, each conveyance, fifty cents. For recording maps, each course, ten cents. For figures and letters on maps, twenty-five cents. For topography, each creek, river, road, or mountain, twenty-five cents. For acknowledgment, per first name, fifty cents. For acknowledgment, each additional name, twenty-five cents. For marriage license, one dollar. For official bond, one dollar. For building contracts, filed only, one dollar. For transcript in estray cases, etc., one dollar. For marks and brands, fifty cents. For filing papers not for record, twenty-five cents. For filing each instrument for record, twenty-five cents.

Twenty-
fifth class.

SEC. 187. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, three thousand two hundred and fifty dollars per annum.
2. The Sheriff, five thousand dollars per annum, and such mileage as is now allowed.

3. The Recorder, three thousand two hundred and fifty dollars per annum. Salaries of officers.
4. The Auditor, twelve hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand eight hundred dollars per annum.
7. The Assessor, three thousand two hundred and fifty dollars per annum.
8. The District Attorney, twenty-five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, three hundred dollars per annum as Supervisors, and three hundred dollars per annum as Road Commissioners.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

Sec. 188. In counties of the twenty-sixth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of office, the following salaries, to wit: Twenty-sixth class.

1. The County Clerk, two thousand five hundred dollars per annum. Salaries of officers.
2. The Sheriff, four thousand five hundred dollars per annum.
3. The Recorder, one thousand six hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, eighteen hundred dollars per annum.
9. The Coroner, such fees as are now and hereafter may be allowed by law.
10. The Public Administrator, such fees as are now and hereafter may be allowed by law.
11. The Superintendent of Schools, sixteen hundred and fifty dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day during the session of the Board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

Twenty-seventh class.

SEC. 189. In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, three thousand five hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, two thousand five hundred dollars per annum.

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

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

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

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, sixteen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each, the sum of five hundred dollars per annum, together with mileage at the rate of thirty cents per mile at each regular session of the Board, for each mile traveled, in going only.

Twenty-eighth class.

SEC. 190. In counties of the twenty-eighth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, two thousand four hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the County Treasury.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, eighteen hundred dollars per annum; *provided*, that all fees received by him from all sources what-

ever, in his official capacity, shall be paid by him into the County Treasury. Salaries of officers.

4. The Auditor, six hundred dollars per annum.

5. The Tax Collector, one thousand dollars per annum.

6. The Treasurer, fifteen hundred dollars per annum.

7. The Assessor, two thousand four hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the Board of Supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile, from his home to and from the county seat, for the four regular quarterly meetings only, during each year.

16. Every person subpoenaed as a witness in a criminal case before the Superior Court, shall, subject to the discretion of the Judge thereof, be entitled to the same per diem and mileage as jurors in like case; *provided*, that such per diem to witnesses only be allowed for actual days' attendance. Compensation to witnesses.

SEC. 191. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them, or by virtue of their office, the following salaries, to wit: Twenty-ninth class.

1. The County Clerk, one thousand eight hundred dollars per annum. Salaries of officers.

2. The Sheriff, three thousand six hundred dollars per annum.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand two hundred dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

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

7. The Assessor, one thousand two hundred dollars per annum.

8. The District Attorney, one thousand two hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, two thousand dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars per annum, and ten cents per mile mileage in going from residence to county seat.

Thirtieth class.

SEC. 192. In counties of the thirtieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, four thousand two hundred and fifty dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, eighteen hundred dollars per annum; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the County Treasury upon an order of the Board of Supervisors; *provided*, that pay for such deputy shall not be allowed for more than one hundred and twenty-five days in any one year.

8. The District Attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, six hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge; *provided*, that if the Board of Supervisors shall, by ordinance, provide that the Superintendent of Schools shall not engage in teaching school during his term of office and devote his entire time to the duties of his office, then such Superintendent shall receive the sum of twelve hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law, and such sum as the Supervisors may

deem just for services rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed therefor in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum, and mileage at the rate of ten cents per mile to and from their respective residences to the county seat; *provided*, that but one mileage, at any one meeting of the Board, shall be allowed; *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the Board of Supervisors, or Board of Equalization, or Canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said Boards, the sum of twelve and fifty one hundredths dollars shall be deducted from his salary for the month during which such regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided. The provision hereof respecting the deputy for the County Assessor, and expenses of Superintendent of Schools and Supervisors, shall take effect immediately. The provisions of this section in relation to increase of salaries for the District Attorney and of the Superintendent of Schools, so far as affected by the proviso of subdivision eleven of this section, shall take effect and be in force on and after the first Monday after the first day of January, eighteen hundred and ninety-one.

16. The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law, as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the Treasury of the county, except where the officer is by law entitled to receive the fees collected, for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

Fees of officers.

FEES OF COUNTY CLERK AND EX OFFICIO CLERK OF THE SUPERIOR COURT.

The County Clerk and ex officio Clerk of the Superior Court shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, excepting the issuance of writs and approval of bonds, to the rendition of judgment, in the aggregate, five dollars. For indexing each name of parties to an action, ten cents. For each writ issued, fifty cents. For approving bond,

Clerk's fees.

Clerk's
fees.

fifty cents. For entry of judgments by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed five folios, two dollars and fifty cents; *provided*, trial is conducted in one day, and for each additional day, two dollars and fifty cents. For recording each folio in excess of ten folios, twenty-five cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, five dollars. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, and to claimants to bills against counties, fifty cents. For issuing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one dollar. For taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, twenty cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justice's Court before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney, or judgment creditor, or upon return of Sheriff, fifty cents. For copies of papers, records, or files of his office, twenty cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, five dollars. For exemplifying copy of articles of incorporation under the Act of Congress, five dollars. For filing certificate of election of officers of incorporations, fifty cents. For recording certificate of incorporation, twenty cents per folio. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, twenty cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents, and when prepared or furnished by attorney or party, one dollar. For comparing copies of papers or transcripts, five cents per folio. For filing the papers and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars. For services up to and including the final settlement of the case in which the value of the estate does not exceed one thousand dollars, no fees whatever shall be charged; where the value of the estate does not exceed fifteen hundred dollars, three dollars; where the value of the estate does not exceed three thousand dollars, five dollars, and two dollars and fifty cents for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate where the number of folios exceed ten, for each folio exceeding ten, twenty cents. The valuations herein to be ascertained from the inventories filed,

and the fees herein provided to be collected by the Clerk upon the filing of such inventory, except such as accrue after the filing of such inventory. For all other services not herein enumerated, the same fees as are now or may hereafter be allowed by law.

FEES OF SHERIFF.

The Sheriff shall collect and pay into the County Treasury, ^{Sheriff's fees.} for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents. For comparing copies of papers, five cents per folio. For serving every notice, rule, or order, one dollar. For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpoena, for each witness subpoenaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an 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 (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty-five cents. For commissions for receiving and paying over money on executions or other process, on the first one thousand dollars, one and one half per cent; on all sums above that amount, one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by

Sheriff's
fees.

the grantee before the delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

FEEES OF RECORDER.

Recorder's
fees.

The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, twenty cents. For copies of any record or paper, per folio, twenty cents. For filing or receiving every instrument for record, and making the necessary entries thereon, twenty cents. For making, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents for each name indexed. For any certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, fifty cents. For searching records or files for each year, in his office, twenty-five cents. For certificate of abstract to title, when required, for each conveyance or incumbrance certified, fifty cents. For recording any town plat, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for the first signature, one dollar and fifty cents; for each additional name, fifty cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For administering and certifying on oath or affirmation, fifty cents. For recording marriage license and certificate, fifty cents. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

Thirty-first
class.

SEC. 193. In counties of the thirty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk's
salary.

1. The County Clerk shall receive as compensation twenty-five hundred dollars per annum.

FEEES OF COUNTY CLERK.

Fees of
County
Clerk.

At the commencement of each suit, the Clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who ad-

vanced them, on demand. The Clerk of the Superior Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit, and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents. For issuing every writ of process under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, fifteen cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For entering every cause on the calendar, making a copy thereof for the bar, for each term of the Court, twenty-five cents. For calling and swearing every jury on voir dire, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering each verdict of a jury, twenty-five cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For making up and filing judgment roll, twenty-five cents. For each entry of judgment on judgment docket, twenty-five cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation, twenty cents; for certifying the same, twenty cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents. For issuing every execution, or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court accompanying papers, fifty cents. For taking and approving each undertaking or bond, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases from other Courts, two dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justice's Courts, for each case, one dollar. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, twenty-five cents. For recording papers not required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents. For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony and commitment upon examination of insane persons, when it is

Fees of
County
Clerk.

Clerk's
fees.

ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents. For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents. For issuing any license required by law, one dollar. For all services in estates of deceased persons fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof: Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars. The two last named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk shall charge and collect for each action or proceeding commenced in the Superior Court of said county a fee of one dollar, in addition to the fees above mentioned, which sum shall be deposited in the Treasury of the county as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge of Superior Court of such county, for said purpose. No fees shall be charged for affidavits or certificates for or in behalf of the United States pension applicants.

Salary of
Sheriff.

2. The Sheriff shall receive as compensation four thousand five hundred dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

FEEES OF SHERIFF.

Sheriff's
fees.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For his trouble and expense in taking and keeping possession of and preserving property under attachment, or execution, or other process, such sum as the Court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest, or trial of right of property, to include all services in the matter, except mileage, two dollars. For serving a sub-

pœna, for each witness summoned, twenty-five cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point to complete such service), for each mile necessarily traveled, in going only, twenty-five cents. For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent. For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents. For executing a certificate of sale, exclusive of the filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, three dollars. For all services in Justice's Courts, the same fees as are allowed Constables for like services. For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State Prison and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

Sheriff's fees.

3. The Recorder shall receive as compensation, two thousand dollars per annum.

Salary of Recorder.

FEEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, per folio, fifteen cents. For filing every instrument for record, and making the necessary entries thereon, fifteen cents. For each certificate under seal, twenty-five cents. For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents. For searching records or files in his office, for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, twenty-five cents. For recording every plat or map, for each

Recorder's fees.

Recorder's course, five cents. For figures and letters on plats or maps, fees. per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording transcript, and for all other services in estray cases, one dollar. For recording each mark or brand, fifty cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

Salaries of officers.

4. The Auditor shall receive as compensation, one thousand five hundred dollars per annum.

5. The Treasurer shall receive as compensation, fifteen hundred dollars per annum.

6. The Tax Collector shall receive as compensation, eighteen hundred dollars per annum.

7. The Assessor shall receive as compensation, thirty-five hundred dollars per annum; *provided, however*, the Assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.

8. The District Attorney shall receive as compensation, eight-hundred dollars per annum, and traveling expenses incurred by virtue of his office, to be fixed and allowed by the Board of Supervisors.

9. The Coroner shall receive as compensation the following sums, viz.: For general services in holding an inquest, ten dollars. For each witness subpoenaed, twenty-five cents. For each mile necessarily traveled in going to the place of inquest, twenty-five cents. For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

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

11. The Superintendent of Schools shall receive as compensation, fifteen hundred dollars per annum, and his necessary traveling expenses, incurred officially, to be fixed and allowed by the Board of Supervisors.

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

13. Justices of the Peace shall receive as compensation the sums respectively mentioned hereafter, viz.: For entering every case upon his docket, fifty cents. For filing each paper in the

suit, twenty-five cents. For issuing any writ or process by Justices, which the suit is commenced, fifty cents. For issuing subpoena, for each person, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or arrest or for the delivery of property, fifty cents. For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents. For issuing an execution, fifty cents. For taking depositions, per folio, fifteen cents. For issuing search warrant, fifty cents. For affidavit for search warrant, including entry on his docket, when there is no other or further action, fifty cents. For entry of cause without process, one dollar. For entering every motion, rule, order, exception, or default, twenty-five cents. For entering any final judgment, for the first folio, fifty cents; for every additional folio, fifteen cents. For entering judgment by confession, and only on affidavit, as required in the Superior Court, two dollars; *provided, however*, that it shall be the duty of the Justices of the Peace to pay into the County Treasury all sums of money by them received in all criminal cases for fines or other purposes. For entering satisfaction of a judgment, fifty cents. For issuing commission to take testimony, fifty cents. For transcript of a judgment, order, docket, or paper in his office, for each folio, fifteen cents. For making up and transmitting transcript and papers on appeal, one dollar and fifty cents. For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents. For celebrating a marriage and returning certificate thereof to the County Recorder, five dollars. For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, two dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, fifteen cents; *provided*, no additional compensation shall be allowed for taking bail. For all services connected with the posting of estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace, who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services. When the venue shall be changed in a civil case, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the Justice shall be required to transmit the papers, and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the Justices. In cases of appeal, all fees of the Justice, including

those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

Constables. 14. The Constables shall receive as compensation the fees hereinafter respectively designated, viz.:

First—For serving summonses in civil cases, fifty cents.

Second—For summoning any jury before a Justice of the Peace, including mileage, two dollars.

Third—For making sales of estrays, the same fees as for sales on execution.

Fourth—For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for all services performed by Constables.

Fifth—For all other services, including mileage, the same fees as are allowed the Sheriff for similar services.

Supervis-
ors. 15. The Supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

Thirty-
second
class. Sec. 194. In counties of the thirty-second class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers. 1. The County Clerk, two thousand four hundred dollars per annum. All fees collected by him shall be paid into the County Treasury for the use of the county.

2. The Sheriff, five thousand five hundred dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum, and the Recorder shall charge and collect, for the use of the county and pay into the County Treasury, the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, twenty-five cents. And all fees collected by him shall be paid into the County Treasury for the use of the county. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

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

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents; for taking or approving any bond or undertaking directed by law to be taken or approved by him, twenty-five cents; for taking depositions, per folio, fifteen cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession or only on affidavit, one dollar and fifty cents; *and provided further*, that, at the option of the Justice of the Peace, the plaintiff shall give a good and sufficient bond for the costs of suit on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this Act. Justices.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twelve and one half cents per mile for each mile necessarily traveled in the discharge of the duties of his office; *provided*, that in no case shall a Constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided*, that his fee for making an arrest in a civil case shall be one dollar; *and provided further*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twelve and one half cents per mile for each mile traveled to the more distant point; for conveying a prisoner, when under arrest, the necessary expenses actually paid for transportation. The provisions of this subdivision shall take effect from and after the date of approval of this Act. Constables.

15. Supervisors, six dollars per day for each day while in the service of the county, and twenty cents per mile for traveling from residence to county seat. Supervisors.

SEC. 195. In counties of the thirty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Thirty-third class.

1. The County Clerk, three thousand dollars per annum; *provided*, that such Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds, to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents. For entry of judgments Salary and fees of County Clerk.

Fees of
County
Clerk.

by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, two dollars and fifty cents; for recording each folio in excess of ten folios, ten cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, two dollars and fifty cents. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents. For issuing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one dollar. For taking justification of sureties, twenty-five cents for each surety; and for taking testimony thereon, ten cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justice's Court, before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney or judgment creditor, or upon return of Sheriff, twenty-five cents. For copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, two dollars. For exemplifying copy of articles of incorporation under the Act of Congress, two dollars. For filing certificate of election of officers of incorporations, twenty-five cents. For recording certificate of incorporation, ten cents per folio. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents; and for recording the same, when required by law, ten cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents; and when prepared or furnished by attorney or party, fifty cents. For comparing copies of papers or transcripts, five cents per folio. For filing papers and issuing letters testamentary, or of administration, guardianship, or special administration, in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars; and one dollar for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate where the number of folios exceed ten, for each folio exceeding ten, ten cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the Clerk upon the filing of such inventory, except such as accrue after the filing of such inventory.

Sheriff's-
salary.

2. The Sheriff, six thousand dollars per annum; *provided*, that the Sheriff shall collect and pay into the County Treas-

ury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of and preserving property under attachment, or execution, or other process, as the Court shall order (*provided*, that no more than three dollars per diem shall be allowed to a keeper), three dollars. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpoena, for each witness subpoenaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, restitution, to hold inquest or trial of right of property (*provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, to the point of service, twenty cents. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. For fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

Fees of Sheriff.

3. The Recorder, two thousand dollars per annum; *provided*, that the Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instrument, paper, or notice, for each folio, ten cents. For copies of any record or paper, per folio, ten cents. For filing or receiving every instru-

Recorder's salary.

Recorder's
fees.

ment for record, and making the necessary entries thereon, fifteen cents. For making, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents. For any certificate under seal, twenty-five cents. For every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents. For searching records and files for each year, in his office, twenty-five cents. For abstract of certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents. For recording any town plat, for each course, ten cents. For figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for the first signature, one dollar; for each additional name, fifty cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty cents. For recording each mark or brand, fifty cents. For administering and certifying on oath or affirmation, twenty-five cents. For all other services not herein enumerated, the same fees as are now or hereinafter may be allowed by law.

Salaries of
officers.

4. The Auditor, eighteen hundred dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, three thousand two hundred dollars per annum.
8. The District Attorney, twenty-four hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand two hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, six hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and from the place of meeting of the Board; *provided*, that only one mile at any one session of the Board shall be allowed.

Deputy
Superin-
tendent of
Schools.

16. In counties of this class there shall be a Deputy Superintendent of Schools, to be appointed by the Superintendent of Schools of said county, and to remain in office during the pleasure of the Superintendent of Schools thereof. The salary of the Deputy Superintendent of Schools herein provided for is hereby fixed at the sum of nine hundred dollars per annum. The salary of the officer herein provided for shall be paid in equal monthly installments, at the same time and in the same

manner as the salaries of the other county officers; and the provisions of this subdivision shall take effect from and after the date of approval of this Act.

Sec. 196. In counties of the thirty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The Chief Clerk, two thousand dollars per annum. Salaries of officers.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, three thousand dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, six dollars per day while employed, and mileage.

Sec. 197. In counties of the thirty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum; *provided*, that all fees collected by him shall be paid into the County Treasury for the use of the county. Salaries of officers.
2. The Sheriff, five thousand five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum; and the Recorder shall charge and collect for the use of the county and pay into the County Treasury the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, for each folio, fifteen cents; for indexing every instrument, paper, or notice, fifteen cents for each name indexed; for copies of any record or paper, per folio, fifteen cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents. And the Recorder shall keep a book, known as Miners' Record Book, and shall keep therein a record of all mining claims in the county brought to him to be recorded; and all fees collected by

Salaries of officers. him shall be paid into the County Treasury for the use of the county. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

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

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

Justices.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents; for taking or approving any bond or undertaking directed by law, twenty-five cents; for taking depositions, per folio, fifteen cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession, and only on affidavit, one dollar and fifty cents; and *provided further*, that, at the option of the Justice of the Peace, the plaintiff shall give a good and sufficient bond for the costs of suit, on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

Constables.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twelve and one half cents for each mile necessarily traveled in the discharge of the duties of his office; *provided*, that in no case shall a Constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; and *provided*, that his fee for making an arrest in a civil or criminal action shall be one dollar and fifty cents; and *provided further*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twelve and one half cents per mile, for each mile traveled, to the most distant point; for conveying a prisoner, when under arrest, the necessary expense actually paid for transportation. The provisions of this subdivision shall take effect from and after the date of the approval of this Act.

Supervisors.

15. Supervisors, six dollars per day for each day while in

service of the county, and twenty cents per mile for traveling from residence to county seat.

SEC. 198. In counties of the thirty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand two hundred dollars per annum, and actual expenses when visiting the schools of his county.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Each Supervisor, five dollars per day while in session, and twenty cents per mile for traveling from his place of residence to the county seat. The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow said reporter such monthly salary as may be deemed reasonable, but which shall not be less than fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

Thirty-sixth class.

Salaries of officers.

SEC. 199. In counties of the thirty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.

Thirty-seventh class.

Salaries of officers.

Salaries of
officers.

5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, fifteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.

Justices'
fees.

13. Justices of the Peace shall receive the following fees: In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering such cause in his docket, fifty cents; for issuing subpoena, for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment, or of arrest, or for delivery of property, two dollars; for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, one dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search warrant, to be paid by the party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars. All fees, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. In cases where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; and all fees must be paid before the Justice shall be compelled to forward any papers. For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the transcript for the Recorder, three dollars; for celebrating marriage, and returning certificate to the Recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail, after commitment, one dollar.

Constables.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling from his place of residence to the county seat. Supervisors.

16. The officers named in section one hundred and ninety-nine of this Act, except three Supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of Supervisors. When officers to be elected.

SEC. 200. In counties of the thirty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Thirty-eighth class.

1. The County Clerk, fifteen hundred dollars per annum. Salaries of officers.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, twelve hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, seven hundred and fifty dollars per annum; *provided*, said Tax Collector shall be allowed one deputy, whose compensation shall not exceed four dollars per day, to be paid out of the County Treasury, upon order of the Board of Supervisors; *provided*, such deputy shall not be allowed pay for more than one hundred days in any one year.

7. The Assessor, nineteen hundred dollars; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the County Treasury, upon order of the Board of Supervisors; *provided*, such deputy shall not be allowed pay for more than one hundred and twenty-five days in any one year.

8. The District Attorney, one thousand four hundred dollars per annum; and for every conviction, twenty-five dollars, to the amount of five hundred, and no more; if any more, it goes to the county.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand dollars per annum, and one hundred dollars for traveling expenses. The Supervisors may allow him two hundred dollars additional for traveling expenses.

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

13. Justices of the Peace shall be allowed the following fees: Justices' fees.
 In civil actions, for filing each paper, twenty-five cents. For issuing any writ or process by which suit is commenced, one dollar. For entering such cause in his docket, fifty cents. For issuing subpoenas, for each witness, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For certifying the same, twenty-five cents. For issuing writ of attachment for arrest or for delivery of property, two dollars.

- Justices' fees. For entering any final judgment, three dollars. For entering any motion, rule, or order, twenty-five cents. For swearing a jury, in either criminal or civil actions, one dollar. For issuing an execution, fifty cents. For issuing supersedeas to an execution, fifty cents. For entering satisfaction of judgment, fifty cents. For issuing search warrant, to be paid by the party demanding the same, one dollar. For issuing commission to take testimony, one dollar. For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification on a bond, one dollar. For each day's services in criminal or civil cases, either on trial, examination, or hearing, five dollars. For abstract of judgment, one dollar. For copy of judgment, order, proceeding, or paper in his office, for each folio, twenty-five cents. For taking depositions in either civil or criminal cases, per folio, twenty-five cents. For each certificate, fifty cents. For making up and transmitting transcript and papers on appeal, two dollars. All fees, including Constables' fees and those on trial and on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. In cases where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmitting the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him, and the fees must be paid before the Justice shall be compelled to forward any papers. For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents. For all services connected with posting estrays, including the transcript for the Recorder, three dollars. For celebrating marriage, and returning certificate to Recorder, five dollars. For hearing and accepting a complaint in criminal actions, three dollars. For issuing a warrant of arrest, two dollars. For taking bail after commitment, two dollars.
- Constables. 14. Constables, such fees as are now or hereafter may be allowed by law.
- Supervisors. 15. Supervisors shall receive four hundred dollars per annum, and salary shall cover all traveling expenses to and from their respective residences to the county seat.
- Thirty-ninth class. SEC. 201. In counties of the thirty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
- Salaries of officers. 1. The County Clerk, two thousand four hundred dollars per annum.
 2. The Sheriff, five thousand five hundred dollars per annum.
 3. The Recorder, one thousand five hundred dollars per annum.
 4. The Auditor, eighteen hundred dollars per annum.
 5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum. Salaries of officers.

7. The Assessor, three thousand two hundred dollars per annum.

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

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of the duties of his office; *provided*, that the fees for Constables in cases of vagrancy shall in no case become a county charge to exceed one hundred dollars per month to any one Constable.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

SEC. 202. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand six hundred dollars per annum. Salaries of officers.

2. The Sheriff, two thousand five hundred dollars per annum.

3. The Recorder, thirteen hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

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

7. The Assessor, fifteen hundred dollars per annum, with commission for collecting poll and personal property tax.

8. The District Attorney, one thousand dollars per annum, with traveling expenses when on official business.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, eight hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

Supervis-
ors.

15. Supervisors, a per diem of five dollars; *provided*, that it do not exceed three hundred dollars per annum, with mileage at the rate of ten cents per mile.

Witness
fees.

16. All persons residing in the county, who shall be subpoenaed before a Superior Court as a witness in any criminal case, shall receive the same fees and be paid in the same manner as trial jurors before the Superior Court. This subdivision shall take effect on the first day of January, eighteen hundred and ninety-two.

Forty-first
class.

SEC. 203. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

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

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, nine hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, one thousand six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of his duties; *provided*, that in no case shall a Constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.

15. Supervisors, five dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

Forty-
second
class.

SEC. 204. In counties of the forty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, nine hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

- 6. The Tax Collector, seven hundred dollars per annum.
- 7. The Assessor, one thousand eight hundred dollars per annum. Salaries of officers.
- 8. The District Attorney, twelve hundred dollars per annum.
- 9. The Coroner, three hundred dollars per annum.
- 10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
- 11. The Superintendent of Schools, five hundred dollars per annum.
- 12. The Surveyor, such fees as are now or may hereafter be allowed by law.
- 13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that whenever such Justices are engaged to exceed one day in trial or examination of criminal cases, they shall receive for each day so engaged the sum of three dollars.
- 14. Constables, such fees as are now or may be hereafter allowed by law.
- 15. Supervisors shall receive seven dollars per diem and twenty-five cents per mile in traveling to and from their respective residences to the county seat. All of which compensation in the aggregate shall not exceed four hundred dollars per annum each.

Sec. 205. In counties of the forty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Forty-third class.

- 1. The County Clerk, fifteen hundred dollars per annum. Salaries of officers.
- 2. The Sheriff, three thousand five hundred dollars per annum.
- 3. The Recorder, one thousand dollars per annum.
- 4. The Auditor, five hundred dollars per annum.
- 5. The Treasurer, one thousand dollars per annum.
- 6. The Tax Collector, five hundred dollars per annum.
- 7. The Assessor, one thousand eight hundred dollars per annum.
- 8. The District Attorney, one thousand five hundred dollars per annum.
- 9. The Coroner, such fees as are now or hereafter may be allowed by law.
- 10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
- 11. The Superintendent of Schools, twelve hundred dollars per annum.
- 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
- 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
- 14. Constables, such fees as are now or hereafter may be allowed by law.
- 15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty

Salaries of
officers.

dollars per annum. The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow said reporter such monthly salary as may be deemed reasonable, but which shall not be less than twenty-five dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

Forty-fourth
class.

SEC. 206. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of
officers.

1. The County Clerk, one thousand three hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.
3. The Recorder, four hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, three hundred and fifty dollars per annum.
7. The Assessor, sixteen hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum, and necessary traveling expenses, to be allowed by the Board of Supervisors.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, six hundred and twenty-five dollars per annum, and his necessary traveling expenses, to be allowed by the Board of Supervisors.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now collected by Sheriff for similar services.
15. Supervisors, five dollars per diem for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.

Forty-fifth
class.

SEC. 207. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum. Salaries of officers.
 2. The Sheriff, two thousand five hundred dollars per annum.
 3. The Recorder, eight hundred dollars per annum.
 4. The Auditor, four hundred dollars per annum.
 5. The Treasurer, eight hundred dollars per annum.
 6. The Tax Collector, one thousand dollars per annum.
 7. The Assessor, one thousand five hundred dollars per annum.
 8. The District Attorney, one thousand two hundred dollars per annum.
 9. The Coroner, such fees as are now or hereafter may be allowed by law.
 10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
 11. The Superintendent of Schools, seven hundred dollars per annum.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
 14. Constables, such fees as are now or hereafter may be allowed by law.
 15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the Board of Supervisors.
- SEC. 208. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Forty-sixth class.
1. The County Clerk, one thousand five hundred dollars per annum. Salaries of officers.
 2. The Sheriff, three thousand dollars per annum.
 3. The Recorder, one thousand two hundred dollars per annum.
 4. The Auditor, three hundred dollars per annum.
 5. The Treasurer, one thousand two hundred dollars per annum.
 6. The Tax Collector, three hundred dollars per annum.
 7. The Assessor, one thousand five hundred dollars per annum.
 8. The District Attorney, one thousand dollars per annum.
 9. The Coroner, such fees as are now or may hereafter be allowed by law.
 10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
 11. The Superintendent of Schools, six hundred dollars per annum.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, eight dollars per day, the aggregate amount of each Supervisor not to exceed three hundred dollars per year.

Forty-seventh class.

SEC. 209. In counties of the forty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.

8. The District Attorney, twelve hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, six hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, six dollars per day, the aggregate amount to be paid each Supervisor not to exceed three hundred dollars per year, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the Board.

Forty-eighth class.

SEC. 210. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, twelve hundred dollars per annum.
2. The Sheriff, three thousand eight hundred dollars per annum.

3. The Recorder, six hundred dollars per annum.

4. The Auditor, three hundred dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

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

7. The Assessor, one thousand two hundred dollars per annum.

8. The District Attorney, twelve hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, five hundred dollars per annum, and one hundred dollars in addition as traveling expenses.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law, and such sums as the Supervisors may deem just for service rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed in any one case. Justices.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the Constable's mileage shall not exceed twenty-five cents per mile, counting one way only. Constables

15. Supervisors, five dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting. Supervisors.

16. When the fees earned by the County Clerk and County Recorder in any one month are more than the amount of his salary, then the said County Clerk and County Recorder shall be allowed to retain one half of such fees which are over and above the amount of his salary for his own use; *provided*, that the provision of this section shall not apply to the present incumbent in office. Fees of Clerk and Recorder.

17. The officers mentioned in section fifty-seven of this Act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-two and every four years thereafter, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election; *provided*, that Supervisors, Assessors, and Superintendents of Schools shall be elected as hereinbefore provided in this Act. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified. When officers to be elected.

SEC. 211. In counties of the forty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Forty-ninth class.

1. The County Clerk, one thousand two hundred dollars per annum; *provided*, that the County Clerk be and is hereby allowed a deputy from and after July first, eighteen hundred and ninety-one, until January first, eighteen hundred and ninety-three, at a salary of fifty dollars per month, in addition to his regular salary as Clerk. Salaries of officers.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, eight hundred dollars per annum.

4. The Auditor, four hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

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

7. The Assessor, one thousand two hundred dollars per annum.

- Salaries of officers.
8. The District Attorney, one thousand dollars per annum.
 9. The Coroner, such fees as are now or hereafter may be allowed by law.
 10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
 11. The Superintendent of Schools, seven hundred dollars per annum.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
 14. Constables, such fees as are now or hereafter may be allowed by law.
 15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from places of residence to county seat, at each sitting of the Board.
- Fiftieth class.
- Sec. 212. In counties of the fiftieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
- Salaries of officers.
1. The County Clerk, one thousand six hundred dollars per annum.
 2. The Sheriff, four thousand dollars per annum.
 3. The Recorder, eight hundred dollars per annum.
 4. The Auditor, two hundred dollars per annum.
 5. The Treasurer, one thousand dollars per annum.
 6. The Tax Collector, one thousand dollars per annum.
 7. The Assessor, one thousand two hundred dollars per annum, including deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.
 8. The District Attorney, nine hundred dollars per annum.
 9. The Coroner, such fees as are now or may be hereafter allowed by law.
 10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
 11. The Superintendent of Schools, four hundred dollars per annum.
 12. The Surveyor, such fees as are now or may be hereafter allowed by law.
 13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
 14. Constables, such fees as are now or may be hereafter allowed by law.
 15. Supervisors, six dollars per day, not exceeding three hundred dollars per annum, for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat, at each session of the Board.
- Fifty-first class.
- Sec. 213. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:
1. The County Clerk, twelve hundred dollars per annum.
 2. The Sheriff, one thousand two hundred dollars per annum.

3. The Recorder, nine hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, six hundred dollars per annum.
6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, six hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.

Salaries of officers.

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

11. The Superintendent of Schools, four hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, three hundred dollars each per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

SEC. 214. In counties of the fifty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Fifty-second class.

1. The County Clerk, one thousand two hundred dollars per annum.

Salaries of officers.

2. The Sheriff, one thousand five hundred dollars per annum.

3. The Recorder, four hundred dollars per annum.

4. The Auditor, two hundred dollars per annum.

5. The Treasurer, six hundred dollars per annum.

6. The Tax Collector, three hundred dollars per annum.

7. The District Attorney, six hundred dollars per annum.

8. The Assessor, six hundred dollars per annum, including a deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, one hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. The Justice of the Peace, such fees as are now or may hereafter be allowed by law.

14. The Constables, such fees as are now or may hereafter be allowed by law.

15. The Supervisors shall not receive over two hundred and fifty dollars per annum, and shall be paid five dollars for each day actually employed in the discharge of the duties of their office, together with mileage, at the rate of twenty cents per

mile, in going only, from their residence to the county seat, at each session of the Board.

Fifty-third class.

SEC. 215. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of officers.

1. The County Clerk, five hundred dollars per annum.
2. The Sheriff, five hundred dollars per annum.
3. The Recorder, three hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, three hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, three hundred dollars per annum.
8. The District Attorney, three hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

Full compensation.

SEC. 216. The salaries and fees provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers therein named, either as officers or ex officio officers, their deputies, and assistants, unless in this Act otherwise provided; and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this Act otherwise provided; *provided, however*, the Assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes; *and provided further*, that the Board of Supervisors shall allow to the Sheriff his necessary expenses for pursuing criminals or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the Board of Supervisors shall fix the price at which such prisoners shall be boarded, if not otherwise provided for in this Act; *provided further*, that the Sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the State Prisons and for conveying persons to and from the Insane Asylums or other State institutions; also, all expenses necessarily incurred in conveying insane persons to and from

Assessor's fees.

Sheriff's allowance for pursuing criminals.

For board of prisoners.

For conveying prisoners to State institutions.

the Insane Asylums and in conveying persons to and from the State Prisons, which per diem and expenses shall be allowed by the Board of Examiners and collected from the State. The Court shall also allow the Sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action; *and provided further*, that whenever, in the opinion of the Board of Supervisors, the salary of any county officer in the third, fifth, ninth, eleventh, twelfth, fourteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-eighth, twenty-ninth, thirtieth, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, forty-first, fifty-first, and fifty-second classes, as fixed and provided in this Act, is insufficient to pay a reasonable compensation for the services required to be performed, the said Board may allow such officer a deputy or clerk, or such number of deputies or clerks, as in their judgment may be required to do the business of said office in connection with the principal, at a salary not to exceed one hundred dollars per month, to be paid at the times and in the manner that said principal is paid; *provided*, that an affidavit shall be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. In any county in this State, where the number of Judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, the Board of Supervisors of such county may, in their discretion, allow the Sheriff thereof one additional deputy for each additional Judge elected or appointed, because of such increase in the number of Judges; and said Board may, in their discretion, also allow the Clerk of such county one deputy for each additional Judge appointed, because of such increase in the number of Judges. In counties where two additional Judges shall have been or may be appointed, under any law increasing the number of Judges, passed since January first, eighteen hundred and eighty-seven, the Clerk shall also be allowed an additional Deputy Clerk, to act as Register Clerk. The compensation to be paid all Deputy Clerks appointed hereunder shall be one hundred and twenty-five dollars per month, and such compensation shall be paid monthly in the same manner that other county officers are paid. The compensation to be paid Deputy Sheriffs appointed hereunder shall be five (\$5) dollars for each day's actual attendance upon the Superior Court, which compensation shall be paid by the county monthly, in the same manner that other county officers are paid. Whenever the salary or compensation of any officer is increased or diminished by the terms of this Act, the provisions hereof so increasing or diminishing such salary or compensation shall not, except as herein otherwise provided, apply to or affect present incumbents, except as to the per diem and expenses to

Deputies may be allowed.

Deputy Sheriffs.

Deputy Clerk.

Compensation.

Present incumbents not affected.

Sheriff's
per diem
for taking
persons to
asylums,
etc., a State
charge.

be paid to the Sheriff for conveying persons to and from the Insane Asylums, and conveying prisoners to and from the State Prisons or other State institutions; *provided*, that the per diem allowed to Sheriffs by this section for taking persons and prisoners to and from the Insane Asylums and State Prisons and other State institutions shall be a State charge, and payable out of the State Treasury, upon the warrants of the Controller, after having been audited by the State Board of Examiners or Auditors.

FEEES TO BE PAID INTO THE COUNTY TREASURY.

All fees
to be
paid into
Treasury.

SEC. 217. All salaried officers of the several counties of this State shall charge and collect, for the use of their respective counties, and pay into the County Treasury on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except the percentage hereinbefore allowed such officers, and excepting also such fees as are a charge against the county.

FEE BOOK.

Fee book.

SEC. 218. Each of the officers authorized to receive fees under the provisions of this Act must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation of whatever nature, kind, or description collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the County Auditor.

STATEMENT OF FEES.

Monthly
settle-
ments.

SEC. 219. The fees and compensation collected and chargeable for the county in each month shall be paid to the County Treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: "I, A. B., County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of —, A. D. —, and that said fee book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself nor, to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

Affidavit.

The Treasurer shall file and preserve in his office said statements and affidavit.

SALARY FUND.

SEC. 220. For the purpose of paying the salaries provided for in this Act, all fees directed to be paid into the County Treasury shall be set apart therein as a separate fund, to be known as the Salary Fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the County Treasurer from time to time to transfer to said fund from the General Fund of the county such sums as may be necessary to pay said salaries as they become due.

SALARIES—HOW PAID.

SEC. 221. The salaries of such officers named in this Act as are entitled to salaries shall be paid monthly out of the County Treasury; and it shall be the duty of the Auditor, on the first Monday of each and every month, to draw his warrant upon the County Treasurer in favor of each of said officers for the amount of salary due him under the provisions of this Act for the preceding month; *provided, however,* that one half of the annual salary of the Assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and the remaining one half in equal monthly installments for the remaining eight months of the year. The Treasurer shall pay said warrants on presentation out of the Salary Fund of the County Treasury.

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

SEC. 222. The Auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the County Treasurer, showing that he has made the statement and settlement for that month required in this Act.

OFFICIAL SERVICES AND FEES.

SEC. 223. The officers mentioned in this Act are not in any case, except for the State or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

SEC. 224. Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person, a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect

to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

POSTER OF FEES OF JUSTICES.

Poster of
Justices'
fees.

SEC. 225. It shall be the duty of each Justice of the Peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to Justices of the Peace and Constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other Justice of the Peace of the county.

ILLEGAL FEES.

Receiving
illegal fees;
penalty.

SEC. 226. The Board of Supervisors, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

SERVICES PERFORMED BY SUCCESSOR.

Must pay
for services
performed
by suc-
cessor.

SEC. 227. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

NO FEES ON HABEAS CORPUS.

No fees for
habeas
corpus, etc.

SEC. 228. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus or naturalization, nor for administering or certifying the oath of office.

SEC. 229. Accounts for county charges of every description must be presented to the Board of Supervisors to be audited, as prescribed in this Act.

What are
county
charges.

SEC. 230. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this Act.

2. The traveling and other personal expenses of the District Attorney, incurred in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the Grand Jurors and indigent witnesses and witnesses from without the county in criminal cases.

5. The accounts of the Coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any Justice of the Peace for services in the examination of the persons charged with crime, not otherwise provided for by law.

7. The necessary expenses incurred in the support of the county hospitals, poorhouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. County charges.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the Board of Supervisors, or declared to be a county charge.

10. The salaries of Constables for services rendered in criminal cases in counties where they receive a salary for such services, and the fees of Constables in like cases when not salaried therefor.

COST OF CRIMINAL ACTIONS ON REMOVAL.

SEC. 231. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found. When criminal action is removed for trial.

COSTS ON REMOVAL—HOW CERTIFIED AND PAID.

SEC. 232. The Clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the Court to the Auditor of his county, and such Auditor shall audit the same and draw his warrant therefor upon the Treasury of the county from which such action was removed; and such Auditor shall forward to said Treasurer and Auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the Court, giving each item as certified to him by the County Clerk and the Court, and the Auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the Treasury of his county; and the County Treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the General Fund of said county; or, if at the date of presentation there is not sufficient money in the said General Fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the Auditor of the county where the indictment was found. How costs of removal are certified and paid.

SEC. 233. Any provision of this Act creating a county office in any county shall not (except for election purposes) take effect prior to the first Monday after the first day of January, eighteen hundred and ninety-two. When provision creating office takes effect.

PRESENT INCUMBENTS.

SEC. 234. The provisions of this Act, unless otherwise herein provided, so far as it relates to the fees and salaries of all officers named, except Justices of the Peace and Constables, shall not affect the present incumbents; *provided*, that when the salary This Act not to affect present incumbents; exception.

of any such officer, or fees in lieu of such salary, is not now fixed by law, the same shall, as to such officer, take effect immediately.

New
counties.

SEC. 235. Counties created or organized after the passage and approval of this Act shall immediately come under and be governed by its provisions, so far as the same are applicable thereto; *provided*, that when the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the Board of Supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided further*, that the salary of county officers shall in no way be affected by reason of such division of the county or order of the Board of Supervisors for the term for which they were elected and shall have qualified; *provided further*, that in all newly created counties, for the purpose of fixing the salaries and fees of county and township officers, the Board of Commissioners appointed to organize said new county, and if no Commissioners be appointed, then the Board of Supervisors of said new county, shall classify said new county according to the population classification of this Act.

SEC. 236. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 237. This Act shall take effect from and after its passage, except as prohibited by the Constitution.

CHAPTER CCXVII.

An Act making an appropriation to pay the claim of Henry Mahler, for services superintending the improvement of the grounds around the Marshall monument.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation
for
Henry
Mahler.

SECTION 1. The sum of one hundred and eighty-two dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Henry Mahler, for services superintending the improvements of the grounds around the monument erected to James W. Marshall, the discoverer of gold in California, as approved by the State Board of Examiners.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of Henry Mahler for the sum of one hundred and eighty-two dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXVIII.

An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and designated as section one thousand six hundred and seventy, relating to the continuation of administration upon the estates of deceased persons.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, to be known and designated as section one thousand six hundred and seventy, and to read as follows:

1670. In all cases where a decedent shall have left a will, in and by the terms of which the testator shall have limited the time for administration upon an estate left by him, and the executor, and all of the legatees or devisees named in the will, shall file and present to the Court a petition, in writing, representing that it will be for the best interests of the estate, and of the beneficiaries under the will, to have the administration upon the estate continued for a longer period of time than that designated in such will, and that it would be injurious to the estate, and to such beneficiaries, to have the administration brought to a close at the date therefor designated in the will, the Court shall then set a day for the hearing of said petition; and notice thereof shall be served on all persons interested in the estate, in the same manner that summons in civil actions is served. Upon the day set for such hearing (or upon some other day to which the hearing may have been continued), the Court shall proceed to hear proofs touching the representations made in such petition—and any person interested in the estate may also present counter proofs in opposition to said application; and if, upon such hearing, it be made to appear to the Court that the representations made by the petitioners in their said petition contained be true, the Court may then, by its order and decree in that behalf, decree and direct that the administration upon the estate continue for and during such further period of time as in its judgment will best subserve the interests of the estate and of the beneficiaries under said will; *provided, however,* that if, at any time during the period for which the administration upon the estate shall have been thus continued, the executor, or any one or more of the legatees or devisees, shall present to the Court his or their petition, representing that it has become necessary for the best interests of the estate, and of the beneficiaries under the will, to have the administration upon the estate closed, the Court shall then set a day for the hearing of said last named petition; and notice thereof shall be given in the same manner, and the same proceedings be had thereupon, as shall have been given for and

Continuation of administration upon estates of deceased persons.

Notice.

Proofs.

Decree.

Second petition.

had upon the hearing of the petition asking for the continuation of such administration. And if, upon such hearing, it shall be made to appear to the Court that the representations made by such petitioners or petitioner (as the case may be) are true, the Court shall then, by its order and decree in that behalf, decree and direct that the administration upon the estate be closed as soon thereafter as, under the circumstances, shall be practicable.

SEC. 2. This Act shall take effect and be in force immediately from and after its passage.

CHAPTER CCXIX.

An Act to provide for the appointment of a Guardian for the Marshall monument and grounds, prescribing his duties, and appropriating money therefor.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Guardian
of Marshall
monu-
ment.

SECTION 1. The care and protection of the Marshall monument and grounds from vandalism and injury is hereby vested in the Governor of California, who shall, within thirty days after the passage of this Act, appoint a suitable person who shall act as the Guardian of the said monument and grounds, under such rules and regulations as the Governor shall prescribe.

Duties.

SEC. 2. The duties of the Guardian shall be to take charge of the said monument and grounds, and to preserve and protect the same from injury and vandalism; to keep in proper repair the road leading to said monument, over the grounds belonging to the State, and to improve said grounds under such rules and regulations as the Governor may prescribe. The said Guardian shall reside upon said Marshall monument grounds, or within one mile of the same; he shall hold office at the pleasure of the appointing power, and may be removed by the Governor at any time for cause, after due trial.

Term of
office.

Salary.

SEC. 3. The Guardian shall receive for his services fifty dollars per month, payable from the State Treasury, in the same manner as other State officers are paid.

SEC. 4. The sum of one hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the salary of the said Guardian for the forty-second fiscal year.

SEC. 5. This Act shall be in force and take effect from and after its passage.

CHAPTER CCXX.

An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the husband's control and disposition of the community property.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended to read as follows:

172. The husband has the management and control of the community property, with the like absolute power of disposition, other than testamentary, as he has of his separate estate; *provided, however,* that he cannot make a gift of such community property, or convey the same without a valuable consideration, unless the wife, in writing, consent thereto.

Amendment of Code as to community property.

CHAPTER CCXXI.

An Act to amend section two hundred and fifty-six of the Political Code of the State of California, to provide for the printing of the daily Journal of each House of the Legislature, and to repeal section two hundred and fifty-seven of said Code.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and fifty-six of the Political Code of the State of California is hereby amended to read as follows:

256. A sufficient number of copies of each day's proceedings of each House of the Legislature shall be printed by the State Printer in book form separately, to supply the members of both Houses and chief officers daily during the session with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journals of the Senate and Assembly; one copy of which daily Journal of each House, upon the approval thereof by the House of which it is such daily Journal, shall be authenticated as so approved by the presiding officer and Chief Clerk or Secretary (as the case may be) of the House so approving it; and upon the final adjournment of the Legislature, such copy of the daily

Daily Journal of each House to be printed.

Journal of each House for the entire session, so authenticated, shall be properly bound in separate volumes and deposited in the office of the Secretary of State as the official Journals of both Houses of the Legislature.

SEC. 2. Section two hundred and fifty-seven of said Code is hereby repealed.

SEC. 3. All Acts and parts of Acts, so far as they conflict herewith, are hereby repealed.

CHAPTER CCXXII.

An Act adding a new section to the Political Code of the State of California, to be known and designated as section five hundred and thirty-nine, relative to the engrossment and enrollment of bills and other documents, and repealing sections two hundred and forty-eight and two hundred and forty-nine of said Code.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby added to the Political Code of the State of California a new section, to be known and designated as section five hundred and thirty-nine, to read as follows:

539. All bills and other documents ordered engrossed by either House of the Legislature shall be delivered by the Secretary of the Senate, or Chief Clerk of the House, as the case may be, to the Engrossing Clerk of the House ordering the engrossment, who shall deliver such bills, or other documents, without delay, in the order of their receipt, to the State Printer, who shall receipt for the same, and without delay engross (print) the same in the order so received by him, and deliver such engrossed bill or other document, with the original thereof, to the Engrossing Clerk from whom he received the same, who shall carefully compare the engrossed copy with the original, and if correctly engrossed, report the same back, with the original, to the Engrossing Committee of the House from which he received it. And all bills and other documents required to be enrolled by order of either House shall be delivered by the Secretary of the Senate, or Chief Clerk of the House, as the case may be, to the Enrolling Clerk of the House ordering such enrollment, who shall deliver such bills or other documents, without delay, in the order of their receipt, to the State Printer, who shall receipt for the same, and who shall, without delay, correctly enroll (print) the same in the order so received by him, and when enrolled, he shall deliver such enrolled bill or other document, with the original thereof; to the Enrolling Clerk from whom he received the same, who shall carefully compare such enrolled copy with the original, and if correctly

Printed
copy of bill
to be
used for
engrossed
bill.

Printed
copy of bill
to be
used for
enrolled
bill.

enrolled he shall report the same back, with the original, to the Enrolling Committee of the House from which he received it.

SEC. 2. Sections two hundred and forty-eight and two hundred and forty-nine of said Political Code are hereby repealed.

SEC. 3. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

CHAPTER CCXXIII.

An Act to amend section one thousand three hundred and five, section one thousand three hundred and seventy-three, section one thousand five hundred and fifty-two, section one thousand six hundred and thirty-three, and section one thousand six hundred and thirty-four of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1873, all relating to estates of deceased persons.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand three hundred and five of the Code of Civil Procedure is amended so as to read as follows:

1305. A Judge of the Superior Court may at any time make and issue all necessary orders and writs to enforce the production of wills and the attendance of witnesses.

Order to enforce production of wills.

SEC. 2. Section one thousand three hundred and seventy-three of the Code of Civil Procedure is hereby amended so as to read as follows:

1373. When a petition praying for letters of administration is filed, the Clerk of the Court must set the petition for hearing by the Court, and give notice thereof by causing notices to be posted in at least three public places in the county, one of which must be at the place where the Court is held, containing the name of the decedent, the name of the applicant, and the time at which the application will be heard. Such notice must be given at least ten days before the hearing.

Clerk of Court must set day for hearing.

SEC. 3. Section one thousand five hundred and fifty-two of the Code of Civil Procedure is amended so as to read as follows:

1552. The executor or administrator, after making any sale of real estate, must make a return of his proceedings to the Court, which must be filed in the office of the Clerk at any time subsequent to the sale. A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the Clerk must fix the day for the hearing, of which notice of at least ten days must be given by the Clerk, by notices posted in three public places in the county, or by publication in a newspaper, and must briefly indicate the land sold, the sum for which it was sold, and must refer to the return for further particulars. Upon the hearing, the Court

Return of execution.

Notice of hearing of return.

May vacate sale. must examine the return and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value, and if it appears that a sum exceeding such bid at least ten per cent exclusive of a new sale may be obtained, the Court may vacate the sale and direct another to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer of ten per cent more in amount than that named in the return be made to the Court, in writing, by a responsible person, it is in the discretion of the Court to accept such offer and confirm the sale to such person, or to order a new sale.

New sale may be ordered.

SEC. 4. Section one thousand six hundred and thirty-three of the Code of Civil Procedure is amended so as to read as follows:

Hearing on settlement.

1633. When any account is rendered for settlement, the Clerk of the Court must appoint a day for the settlement thereof, and thereupon give notice thereof by causing notices to be posted in at least three public places in the county, setting forth the name of the estate, the executor or administrator, and the day appointed for the settlement of the account. If, upon the final hearing at the time of settlement, the Court, or a Judge thereof, should deem the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper.

SEC. 5. Section one thousand six hundred and thirty-four of the Code of Civil Procedure is amended so as to read as follows:

When settlement is final, notice must so state.

1634. If the account mentioned in the preceding section be for a final settlement, and a petition for the final distribution of the estate be filed with said account, the notice of settlement must state those facts, which notice must be given by posting or publication for at least ten days prior to the day of settlement. On the settlement of said account, distribution and partition of the estate to all entitled thereto may be immediately had without further notice or proceedings.

CHAPTER CCXXIV.

An Act to amend an Act entitled "An Act to provide for the building and furnishing of the Home for Soldiers' Widows and Orphans, and Army Nurses, and for the State to inquire into the management of such institution, by a uniform rule proportioned to the number of inmates in said institution, for the management of the same, and for the support of indigent persons residing in the said Home," approved March 16, 1889.

[Approved March 31, 1891.]

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:

322,1882-200

X

Section 3. The said Directors are authorized and directed to expend such sum or sums as may be from time to time appropriated for such purpose, for the support and maintenance of the widows, mothers, wives, and children of Union soldiers, sailors, and marines, and for ex-Union army nurses, in indigent circumstances, residing in the Home in Santa Clara County, under the auspices of the Woman's Relief Corps Home Association, a corporation duly created and existing under the laws of this State, in the manner following, to wit: The sum of one hundred and fifty dollars per annum for each widow, mother, wife, child, or army nurse admitted to and residing in such Home; *provided*, the whole of said sum shall not be expended in any one year for such support and maintenance.

Directors of Home for Soldiers and Widows may expend \$150 each per annum.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. The aid granted in section three of this Act shall commence on the first day of the month after each such widow, mother, wife, child, or army nurse shall commence bona fide to reside in, and be supported in, such Home, and shall be paid by the State in semi-annual installments.

When allowance paid.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section 5. *First*—It shall be the duty of such corporation to keep a book, in which shall be entered the date of admission, name, age, and place of birth of each widow, mother, wife, child, or army nurse, and also the military history, if it can be obtained, of the husband, father, or son of such widow, mother, wife, or child who is, or may hereafter be, admitted to such institution, and the estate or income, if any, to which she or it may be entitled.

Directors of Home must keep a register of inmates.

Second—Said corporation shall also keep a book entitled "Monthly Accounts." In it shall be entered on the debtor side all moneys received from any and all sources, segregated under their proper heads, and on credit side all disbursements made, specifying for what purpose made, and the amounts entered in detail so disbursed, segregated under their proper heads, each entry to be made under its proper dates.

Monthly accounts.

Third—A payroll shall be kept of the employes, and the amounts disbursed to each, and at what rate of wages, and for what length and kind of services.

Payroll.

Fourth—A book shall be kept, in which shall be entered in detail the amounts and dates of all payments from outside sources made to each widow, mother, wife, child, or army nurse during her said residence, or to such association for her or its benefit.

Record of aid from outside sources.

Fifth—A transcript of such book and payroll, verified by the oath of the manager of such institution, or person in charge of the same, shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claims for State aid, conveying in accordance with section three of this Act, covering the time for which such claim or demand for State aid is made; also, a list of all the inmates for whom such claim or demand for such aid is made.

Transcript to be sent to Board of Examiners.

Books
open to
inspection.

Sixth—Such books and payroll shall be open also, at all times, to the inspection of the State Board of Examiners, or of any person authorized by it to examine the same, or of any committee of the Legislature or clerk thereof, duly authorized so to do.

SEC. 4. Section twelve of said Act is hereby amended so as to read as follows:

Who
entitled
to aid.

Section 12. No person shall be entitled to receive any aid under this Act, unless she has been admitted to and kept in said Home by reason of her services as army nurse, or by reason of the military services of her husband, father, or son, nor unless she has been continuously a resident of this State for two years next prior to her admission to said Home, nor unless she would be entitled to receive such aid by virtue of the laws and Constitution of this State. Before allowing a claim in behalf of any inmate of said Home, the Board of Examiners shall require proof of such facts.

CHAPTER CCXXV.

An Act to establish law libraries.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Provisions
for "Law
Library
Fund."

SECTION 1. On the commencement in, or removal to, the Superior Court of any county in this State of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting such proceeding, or filing the said first papers, shall pay to the Clerk of said Court the sum of one dollar as costs, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the Board of Trustees hereinafter provided.

Fund.

SEC. 2. All moneys collected as hereinbefore provided shall be paid by said Clerk into the hands of the Treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized.

Govern-
ment.

SEC. 3. Any law library established under the provisions of this Act shall be governed and managed by the "Board of Law Library Trustees" hereinafter provided.

How Trus-
tees are
selected.

SEC. 4. There shall be in every county of this State a Board of Law Library Trustees, consisting of five members, to be constituted as follows: In every county where there are only three Superior Judges, the said Judges shall be ex officio such Library

Trustees; the President of the Board of Supervisors shall be ex officio such a Trustee; and the Board of Supervisors shall appoint a member of the bar of the county to act as such Trustee; such appointment shall be made at the first meeting of the Board of Supervisors after this Act is approved, and the appointee shall serve until the first meeting of the Board of Supervisors in the succeeding January; and the said Board shall, at any such meeting in each succeeding January, appoint such a Trustee to serve for the term of one year. In every county where there are more than three Superior Judges, the Judges of such county shall elect three of their number to serve as such Trustees, and otherwise said Board shall be as above provided. In all counties where there are less than three Superior Judges, the Board shall be constituted as above provided, save that the Board of Supervisors shall appoint sufficient members of the bar to make up the requisite number of Trustees.

SEC. 5. The office of Trustee shall be honorary, without salary or other compensation. No salary.

SEC. 6. Such Board of Trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power: Powers of Board of Trustees.

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same. To make rules, etc.

Second—To remove any Trustee who may neglect to attend the meetings of the Board of Trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the Board. Remove members.

Third—To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant. To prescribe powers of officers.

Fourth—To purchase books, journals, publications, and other personal property. To purchase books.

Fifth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the President and Secretary, of money from out of the Law Library Fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect the provisions of this Act. To order payment of money.

Sixth—To fix the salaries of the Librarian, Secretary, and other subordinate officers and assistants. To fix salaries.

Seventh—To contract with any existing Law Library Association to make use of its library for the purposes of a Public Law Library, under proper rules and regulations to be prescribed by the Board of Trustees, either by lease or such other contract as may best carry the purposes of this Act into effect. To enter into contracts with Library Associations.

SEC. 7. The orders and demands of the Trustees of any such Public Law Library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the Treasurer of such county out of the Verified demands to be paid by county.

Library Fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

Annual report.

SEC. 8. The said Board of Trustees, on or before the first Monday in December of each year, shall make an annual report to the Board of Supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the Secretary of the Board of Trustees, duly verified by his oath.

Library room.

SEC. 9. The Board of Supervisors of any such county shall provide a library-room for the use of such library, whenever such room may be demanded by such Board of Trustees.

Meetings.

SEC. 10. The said Board of Trustees shall meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as President of their Board. They shall elect a Secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a Librarian. The Secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the Trustees for that purpose.

Officers.

Library free to whom.

SEC. 11. Said library shall be free to the judiciary and county officials of said county, without payment of dues, and free to all inhabitants of said county, upon payment of such dues as may be ordained by said Board of Trustees, and under such rules and regulations as may be by them provided.

Secretary of State to send books.

SEC. 12. The Secretary of State is hereby authorized and directed to transmit to the County Clerk of each county of the State, for the use of said library, a copy of each and every publication which may hereafter be made by this State, and especially a copy of each report of the decisions of the Supreme Court, and of the statutes of this State; and also a copy of all such reports and statutes heretofore published.

Duty of Librarian of Supreme Court.

SEC. 13. The Librarian of the Supreme Court Library is hereby authorized and directed to distribute among the law libraries herein provided for such duplicates of books as may be in State Library, and not needed for its own purposes.

Not to affect existing libraries.

SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed; *provided, however*, that wherever a law library, and a Board of Trustees to govern the same, is already provided by law in any county, or city and county, in this State, this Act shall not affect such library or Board of Trustees, or be considered a repeal of any legislation under which such library is established and now governed; *and provided further*, that it shall be discretionary with the Board of

Supervisors of any county to provide by ordinance for the application of the provisions of this Act to such county. And the moneys herein provided to be collected shall not be collected in addition to moneys already by law provided to be collected for law libraries in any county, or city and county, in this State.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER CCXXVI.

An Act to provide for Police Courts in cities having fifteen thousand and under eighteen thousand inhabitants.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The judicial power of every city having fifteen thousand and under eighteen thousand inhabitants shall be vested in a Police Court, to be held therein by the City Justice of said city, or if there be more than one such Justice of said city, by the City Justices thereof, or one of them, to be designated by the Mayor; but either of said City Justices may hold such Court without such designation, and it is hereby made the duty of said City Justice or City Justices, in addition to the duties now required of them by law, to hold said Police Court. Police Courts in certain cities.

SEC. 2. The Police Court of any such city shall have jurisdiction of the following public offenses committed in the city: Jurisdiction.

First—Petit larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

Third—Breaches of peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

SEC. 3. Said Court shall also have exclusive jurisdiction of all proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city. Exclusive jurisdiction.

SEC. 4. None of said Justices shall sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and in case of the sickness or inability of the City Justice of any such city, or the City Justices thereof, if there be more than one such Justice, he, or either of them, may call in a Justice of the Peace residing in the county to act in his place and stead. When Justice disqualified.

- Powers of Justices.** SEC. 5. Any such City Justice, while acting as Judge of said Court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case of a criminal prosecution for a violation of a city ordinance, as well as in case of a violation of a criminal law of the State; also, all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the Constitution of the State, he may proceed to judgment in the first instance without a jury; but, on appeal, the defendant shall be entitled to trial by jury in the Superior Court.
- Fines collected.** SEC. 6. All fines and other moneys collected on behalf of the city in the Police Court shall be paid into the City Treasury on the first Tuesday of each month, and all bills for fees and costs due the officers of said Court shall be reported to the City Council each month.
- Rooms and dockets.** SEC. 7. Rooms and Dockets. The City Council shall furnish a suitable room for the holding of said Court, and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed. Another docket shall be styled "The City Civil Docket," and shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for her interest; and each case shall be properly indexed.
- When Court must be open.** SEC. 8. The Police Court shall be always open, except upon non-judicial days, and then for such purposes only as by law permitted or required of other Courts of this State.
- Appeals.** SEC. 9. Appeals may be taken from any judgment of said Police Court to the Superior Court of the county in which such city may be located, in the same manner in which appeals are taken from Justice's Courts in like cases.
- Imprisonment.** SEC. 10. In all cases of imprisonment of persons convicted in said Police Court, of any offense committed in the city, the persons so to be imprisoned, or by ordinance required to labor, shall be imprisoned in the city jail, or, if required to labor, shall labor in the city.
- Seal.** SEC. 11. Said Courts shall have a seal, to be furnished by the city.
- City cases.** SEC. 12. City Cases. The City Justice, or City Justices, shall, on the first Tuesday of each month, make to the City Council a full and complete report of all the cases, civil and criminal, in which the city has an interest, or which are required to be entered in the City Civil Docket or the City Criminal Docket; such report to be made upon blanks furnished by the City Council, and in such form as they may require.
- Transcripts.** SEC. 13. Certified transcripts of the dockets made by the Clerk of the said Court, or by the City Justice holding said Court,

under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket, and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State.

SEC. 14. No person shall be eligible to the office of Justice Eligibility. of the Peace of any city having a population of fifteen thousand inhabitants or over, unless such person has been regularly admitted to practice law before the Superior Court of the county in which he is elected.

SEC. 15. This Act to go into effect upon the expiration of the term of office of the present Police Judge of said cities, or when a vacancy occurs therein.

CHAPTER CCXXVII.

An Act to amend section one thousand four hundred and thirty-one of an Act entitled "An Act to establish a Code of Civil Procedure of California," relating to proceedings pending in the Superior Court in relation to and for the settlement of estates of deceased persons.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand four hundred and thirty-one of the Code of Civil Procedure of California is hereby amended so as to read as follows:

1431. When a petition is filed in the Superior Court, praying for admission to probate of a will, or for granting letters testamentary or of administration, or when proceedings are pending in the Superior Court for the settlement of an estate, and there is no Judge of said Court qualified to act, an order must be made transferring the proceedings to the Superior Court of an adjoining county, and the Clerk of the Court ordering the transfer must transmit to the Clerk of the Court to which the proceedings are ordered to be transferred a certified copy of the order, and all papers on file in his office in the proceedings; and thereafter the Court to which the proceeding is transferred shall exercise the same authority and jurisdiction over the estate, and all matters relating to the administration thereof, as if it had original jurisdiction of the estate; Transfer of probate matters to adjoining county. *provided*, there shall not be any necessity for transferring such proceedings, or any of them, when a Judge of some other county qualified to act attends at the request of the Judge of the county where such proceedings are pending, to hold Court, to conduct and to try such proceedings; and such Judge, when so called upon to preside, shall exercise jurisdiction over any proceeding in the estate as is exercised in other cases under like circumstances. Exception.

CHAPTER CCXXVIII.

An Act to appropriate money to pay for the services of W. L. Wolfe, Assistant at Los Angeles to the Commissioner of the Bureau of Labor Statistics.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation to pay Assistant Labor Commissioner.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the services of W. L. Wolfe, as Assistant at Los Angeles to the Commissioner of the Bureau of Labor Statistics, from September twenty-third, eighteen hundred and eighty-nine, to January first, eighteen hundred and ninety-one.

SEC. 2. The Controller of State is hereby directed to draw his warrant upon the State Treasurer in favor of said W. L. Wolfe for said sum of five hundred dollars, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. This Act shall be deemed exempt from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXXIX.

An Act to amend sections thirty-four hundred and fifty-four and thirty-four hundred and fifty-five of the Political Code of this State, relating to the powers and duties of Boards of Trustees of reclamation districts formed for the reclamation of swamp and overflowed lands.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections thirty-four hundred and fifty-four and thirty-four hundred and fifty-five of the Political Code of the State of California are hereby amended so as to read as follows:

Powers of Boards of Trustees of reclamation districts.

3454. The Board of Trustees shall have power to elect one of its members President thereof; to employ engineers and others to survey, plan, locate, and estimate the cost of the works necessary for the reclamation of the lands of the district; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental, or additional plan or plans, when, in its judgment, the same shall have become necessary; to acquire, by purchase, condemnation, or otherwise, the right of way, and the right to take material

for the construction of all works necessary for the accomplishment of that object, including drains, canals, sluices, bulk-heads, water-gates, levees, and embankments, and to construct, maintain, and keep in repair all works requisite and necessary to that end; and to do all other acts and things necessary or required for the reclamation of the lands embraced in the district. And the several members of the Board shall each be entitled to receive, for actual and necessary services performed, and for expenses incurred by them, respectively, for and in the interest of the district, such compensation as the Board may determine to be just and reasonable and shall allow, and the same shall constitute an indebtedness of the district, for which warrants of the district must be drawn and paid in the same manner, and out of the same fund, as other warrants of the district; *provided*, that no warrant thus drawn shall be valid until approved by the Board of Supervisors of the proper county.

Compensation.

3455. The Board of Trustees must report to the Board of Supervisors of the county, or if the district is in more than one county, then to the Board of Supervisors of each county in which any portion of the district is situated, such original plan or plans of the work; and every such new, supplemental, or additional plan, if any, together with estimates of the cost of the works necessary for the reclamation of the lands of the district in pursuance of any such plan or plans; together, also, with estimates of incidental expenses of superintendence, repairs, and the cost of collection of assessment, etc.

Plans to be reported to Supervisors.

SEC. 2. This Act shall take effect and be in force immediately from and after its passage.

CHAPTER CCXXX.

An Act to amend sections three thousand six hundred and sixty-five, three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, three thousand six hundred and seventy-two, three thousand six hundred and ninety-two, three thousand six hundred and ninety-six, three thousand seven hundred and fourteen, three thousand seven hundred and twenty-eight, three thousand seven hundred and thirty-two, three thousand seven hundred and forty-six, three thousand seven hundred and fifty, three thousand seven hundred and fifty-one, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand eight hundred, three thousand eight hundred and sixteen, and three thousand eight hundred and sixty-six, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand six hundred and sixty-five of said Act is hereby amended to read as follows:

Meeting of
State Board
of Equaliza-
tion.

Duties.

Apportion-
ment of
railway
assess-
ment.

Transmit
statement
to County
Auditors.

3665. The State Board of Equalization must meet at the State Capitol on the third Monday in July, and continue in open session, from day to day, Sundays excepted, until the first Monday in August. At such meeting the Board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessments must be made to the corporation, person, or association of persons owning the same. The depots, stations, shops, and buildings erected upon the space covered by the right of way, and all other property owned by such person, corporation, or association of persons, are assessed by the Assessor of the county wherein they are situate. Within twenty days after the first Monday of August, the Board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The Board must also, within said time, transmit, by mail, to the County Auditor of each county, or city and county, to which such apportionment shall have been made a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or

city and county, including the right of way, by metes and bounds, or other description sufficient for identification, the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the fourth Monday in September, the Board of Supervisors must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxation district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the Clerk of the Board of Supervisors must transmit a copy of each order or equalization to the City Council, or Trustees, or other legislative body of incorporated cities or towns, the Trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the State Board of Equalization is dissatisfied with the assessment made by the Board, such owner may, at the meeting of the Board, under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the first Monday in August and the first Monday in September, apply to the Board to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the State. If the Board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment of the change made, and the Auditor must note such change upon the assessment book or roll of the county, as directed by the Board.

Auditor's duty.

Duty of Supervisors as to taxable railway property.

Hearing before Board for correction.

SEC. 2. Section three thousand six hundred and sixty-six of said Act is hereby amended to read as follows:

3666. The State Board of Equalization must prepare each year a book, to be called "Record of Assessments of Railways," in which must be entered each assessment made by the Board, either in writing or by both writing and printing. Each assessment so entered must be signed by the Chairman and Clerk. The record of the apportionment of the assessments made by the Board to the counties, and cities and counties, must be made in a separate book, to be called "Record of Apportionment of Railway Assessments." In such last described book must be entered the names of the railways assessed by the Board, the names of the corporation to which, or the name of the person or association to whom, each railway was assessed, the whole number of miles of the railway in the State, the number of miles thereof in each county, or city and county, the total assessment of the franchise, roadway, roadbed, rails, and rolling stock, for purposes of State taxation, and the amount of the apportionment of such total assessment to each county, and city and county, for county, and city and county, taxation. Before the third Monday of September of each year, the Clerk of the State Board of Equalization must prepare and transmit to the Controller of State duplicates of the "record of assessment of railways" and "record of apportionment of railway assessments," each certified by the Chairman and Clerk of the Board, and to be known, respectively, as "duplicate record of assessment of railways" and "duplicate record of apportionment of railway assessments." In the last named duplicate, two columns must be added, in one of which the Controller must enter the State taxes due the State upon the whole assessment, by each corporation, person, or association, and in the other the county, or city and county, taxes due upon the assessment apportioned to each county, or city and county, by each corporation, person, or association. The two duplicates constitute the warrant for the Controller to collect the State and county, and city and county, taxes levied upon such property assessed by the Board, and the amount of the apportionment of the assessment to each county, and city and county, respectively.

Books to be kept by State Board of Equalization.

Controller to have copy.

SEC. 3. Section three thousand six hundred and sixty-seven of said Act is hereby amended to read as follows:

County rate of taxation to be sent to Controller.

3667. When the Board of Supervisors of each county, and city and county, to which the State Board of Equalization has apportioned the assessment of railways, shall have fixed the rate of county, or city and county, taxation, the Clerk of the Board of Supervisors must forthwith, by mail, postage paid, transmit to the Controller a statement of the rate of taxation levied by the Board of Supervisors for county, or city and county, taxation. If the Clerk fails to transmit such statement, the Controller must obtain the information as to such rate of taxation from other sources. On or before the second Monday of October, the Controller must compute and enter in separate money columns in the "duplicate record of apportionment of railway assessments," the respective sums, in dollars and cents, rejecting fractions of a cent, to be paid by the corporation, person, or association liable therefor, as the State tax

Duties of Controller.

upon the total amount of the assessment, and the county, or city and county, tax upon the apportionment of the assessment to each county, and city and county, of the property assessed to such corporation, person, or association named in said duplicate record.

SEC. 4. Section three thousand six hundred and sixty-eight of said Act is hereby amended to read as follows:

3668. Within ten days after the second Monday in October, the Controller must publish a notice for two weeks in one daily newspaper of general circulation at the State capital, and in two daily newspapers of general circulation published in the city of San Francisco, specifying:

Publication by Controller.

1. That he has received from the State Board of Equalization the "duplicate record of assessments of railways," and the "duplicate record of apportionment of railway assessments."

2. That the taxes on all personal property and one half of the taxes on all real property are now payable, and will be delinquent on the last Monday in November next, at six o'clock P. M., and that unless paid to the State Treasurer at the Capitol, prior thereto, five per cent will be added to the amount thereof, and unless so paid on or before the last Monday in April next, at six P. M., an additional five per cent will be added to the amount thereof. That the remaining one half of the taxes on all real property will be due and payable at any time after the first Monday in January next, and will be delinquent on the last Monday in April next, at six o'clock P. M., and that unless paid to the State Treasurer, at the Capitol, prior thereto, five per cent will be added to the amount thereof.

On the last Monday in April of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter there must be collected by the State Treasurer, or other proper officer, an addition of ten per centum upon those taxes which became delinquent the preceding November, and have not been paid prior to the said time on the last Monday in April of each year, and an addition of five per centum upon all taxes for the preceding year, which became delinquent on the said last Monday in April, which sum, when collected, must be set aside by the Treasurer as a fund with which to pay the contingent expenses of actions against any delinquents, the said expenses to be audited by the Board of Examiners, and any surplus remaining shall go into the General School Fund of the State.

When taxes are delinquent; penalty.

When any taxes are paid to the State Treasurer, by order of the Controller, upon assessments made and apportioned by the State Board of Equalization, the Controller must forthwith notify the Auditor and Treasurer, respectively, of each county, and city and county, that such taxes have been paid, and of the amount thereof to which each county, and city and county, interested is entitled. The State's portion of the taxes must be distributed by the Treasurer to each fund entitled thereto, and the portion belonging to the counties, and cities and counties, must be placed in a fund, to be called "Railway Tax Fund," to the credit of each county, and city and county, entitled thereto. When any taxes are placed in the "Railway Tax Fund" to the credit of a

Taxes paid to State Treasurer.

Railway Tax Fund.

county, or city and county, the Controller, at the next settlement with the Controller by the Treasurer of such county, or city and county, must draw and deliver to such Treasurer his warrant upon the State Treasurer for the amount in the fund to the credit of such county, or city and county.

SEC. 5. Section three thousand six hundred and sixty-nine of said Act is hereby amended to read as follows:

Certain taxes must be paid to State Treasurer.

3669. Each corporation, person, or association, assessed by the State Board of Equalization, must pay to the State Treasurer, upon the order of the Controller, as other moneys are required to be paid into the Treasury, the State and county, and city and county, taxes each year levied upon the property so assessed to it or him by said Board. Any corporation, person, or association, dissatisfied with the assessment made by the Board, upon the payment of the taxes due upon the assessment complained of, and the percentage added, if to be added, on or before the first Monday in June, and the filing of notice with the Controller of an intention to begin an action, may, not later than the first Monday in June, bring an action against the State Treasurer for the recovery of the amount of taxes and percentage so paid to the Treasurer, or any part thereof, and in the complaint may allege any fact tending to show the illegality of the tax, or of the assessment upon which the taxes are levied, in whole or in part. A copy of the complaint and of the summons must be served upon the Treasurer within ten days after the complaint has been filed, and the Treasurer has thirty days within which to demur or answer. At the time the Treasurer demurs or answers, he may demand that the action be tried in the Superior Court of the county of Sacramento. The Attorney-General must defend the action. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. If the final judgment be against the Treasurer, upon presentation of a certified copy of such judgment to the Controller, he shall draw his warrant upon the State Treasurer, who must pay to the plaintiff the amount of the taxes so declared to have been illegally collected; and the cost of such action, audited by the Board of Examiners, must be paid out of any money in the General Fund of the Treasury, which is hereby appropriated, and the Controller may demand and receive from the county, or city and county, interested the proportion of such costs, or may deduct such proportion from any money then or to become due to said county, or city and county. Such action must be begun on or before the first Monday in June of the year succeeding the year in which the taxes were levied, and a failure to begin such action is deemed a waiver of the rights of action.

When action may be brought.

Where tried.

When judgment against State, how paid.

SEC. 6. Section three thousand six hundred and seventy of said Act is hereby amended to read as follows:

Controller to sue for delinquent taxes.

3670. After the first Monday of June of each year, the Controller must begin an action in the proper Court, in the name of the People of the State of California, to collect the delinquent taxes upon the property assessed by the State Board of Equalization; such suit must be for the taxes due the State,

and all the counties, and cities and counties, upon property assessed by the Board of Equalization, and appearing delinquent upon the "duplicate record of apportionment of railway assessments." The demands for State and county, and city and county, taxes may be united in one action. In such action a complaint in the following form is sufficient:

(Title of Court.)

The People of the State of California

Form of
complaint.

vs.

(Naming the defendant).

Plaintiff avers that on the — day of —, in the year (naming the year), the State Board of Equalization assessed the franchise, roadway, roadbed, rails, and rolling stock of the defendant, at the sum of (naming it) dollars. That the Board apportioned the said assessment as follows: To the county of (naming it) the sum of (naming it) dollars (and so on, naming each county).

That the defendant is indebted to plaintiff for State and county taxes for the year eighteen —, in the following sums: For State taxes, in the sum of (naming it) dollars; for county taxes of the county of (naming it), in the sum of (naming it) dollars, etc., with five (or ten) per cent added for non-payment of taxes. Plaintiff demands payment for said several sums, and prays that an attachment may issue, in form as prescribed in section five hundred and forty of the Code of Civil Procedure.

(Signed by the Controller or his attorney.)

On the filing of such complaint, the Clerk must issue the writ of attachment prayed for, and such proceedings shall be had as under writs of attachment issued in civil actions; no bond nor affidavit previous to the issuing of the attachment is required. If in such action the plaintiff recover judgment, there shall be included in the judgment as counsel fees, and in case of judgment of taxes, after suit brought but before judgment, the defendant must pay as counsel fees such sum as the Court may determine to be reasonable and just. Payment of the taxes or the amount of the judgment in the case must be made to the State Treasurer. In such actions the "duplicate record of assessments of railways" and the "duplicate record of apportionment of railway assessments," or a copy of them, certified by the Controller, showing unpaid taxes against any corporation, person, or association, for property assessed by the State Board of Equalization, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of the taxes due and unpaid to the State, and counties, or cities and counties, therein named, and that the corporation, person, or association is indebted to the people of the State of California in the amount of taxes, State and county, and city and county, therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Writ of
attach-
ment.

Counsel
fees.

Prima facie
evidence.

SEC. 7. Section three thousand six hundred and seventy-two of said Act is hereby amended to read as follows:

Board of
Equaliza-
tion for
counties.

3672. The Board of Supervisors of each county must meet on the first Monday of July in each year, to examine the assessment book and equalize the assessment of property in the county. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July.

SEC. 8. Section three thousand six hundred and ninety-two of said Act is hereby amended to read as follows:

Powers and
duties of
State Board
of Equaliza-
tion.

3692. The powers and duties of the State Board of Equalization are as follows:

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the Constitution and laws of the State, to govern Supervisors when equalizing, and Assessors when assessing.

3. To make out, prepare, and enforce the use of forms in relation to the assessment of property.

4. To hold regular meetings at the State Capitol, on the second Monday in each month; and such special meetings as the Chairman may direct.

5. To annually assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State, at their actual value on the first Monday in March, at twelve o'clock m., and to apportion such assessment to the counties, and cities and counties, in which such railroads are located, in proportion to the number of miles of railway laid in such counties, and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of said counties.

7. To transmit to the Assessor of each county, or city and county, its apportionment of the assessments made by said Board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads; and also its apportionment of the assessments made by such Board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

8. To meet at the State Capitol on the first Monday in August, and remain in session, from day to day (Sundays excepted), until the first Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this State, for the purpose of taxation; and to that end, under such rules of notice to the Clerk of the Board of Supervisors of the county affected thereby as it may prescribe, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said roll, and make the

assessment conform to the true value in money of the property assessed, and to fix the rate of State taxation, and to do the things provided in section three thousand six hundred and ninety-three of said Code.

Powers and duties of State Board of Equalization.

10. To visit as a Board, or by the individual members thereof, whenever deemed necessary, the several counties of the State, for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpoenas for the attendance of witnesses, or the production of books before the Board, or any member thereof; which subpoenas must be signed by a member of the Board, and may be served by any person.

13. To appoint a Clerk; prescribe and enforce his duties. The Clerk shall hold his office during the pleasure of the Board.

14. To report to the Governor, annually, a statement showing:

What annual report must contain.

First—The acreage of each county in the State that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all real estate in the State.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the State.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings.

Sec. 9. Section three thousand six hundred and ninety-six of said Act is hereby amended to read as follows:

3696. Between the first and second Mondays in September of each year, the Board must determine the rate of State tax to be levied and collected upon the assessed valuation of the property of the State, which, after allowing nine and one half per cent for delinquencies in, and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the Legislature for State purposes. The Board must immediately thereafter transmit to the Board of Supervisors and County Auditor of each county a statement of such rate, and upon its receipt the Clerk of said Board and County Auditor must each, in writing, notify the State Board of Equalization thereof.

Rate of State tax.

Sec. 10. Section three thousand seven hundred and fourteen of said Act is hereby amended to read as follows:

3714. The Board of Supervisors of each county must, on the fourth Monday of September, fix the rate of county taxes, designating the number of cents on each hundred dollars of property levied for each fund, and must levy the State and county taxes upon the taxable property of the county; *pro-*

Rate of county tax.

Rate of tax
for bonded
indebted-
ness.

vided, that it shall not be lawful for any Board of Supervisors of any county in the State to levy, nor shall any tax greater than fifty cents on each one hundred dollars of property be levied and collected in any one year to pay the bonded indebtedness, or judgment arising therefrom, of this State, or of any county or municipality in this State; *and provided further*, that in counties, or cities and counties, containing a population of over two hundred and fifty thousand inhabitants, the Board of Supervisors must, on the fourth Monday of June, fix the rate of county taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and must levy the State and county taxes upon the taxable property of the county.

When rate
to be fixed
in counties
of first
class.

SEC. 11. Section three thousand seven hundred and twenty-eight of said Act is hereby amended to read as follows:

Statement
of County
Auditor.

3728. The Auditor must, on or before the second Monday in August of each year, prepare from the assessment book of such year, as corrected by the Board of Supervisors, duplicate statements, showing, in separate columns:

1. The total value of all property.
2. The value of real estate.
3. The value of the improvements thereon.
4. The value of personal property, exclusive of money.
5. The amount of money.
6. The number of acres of land.

SEC. 12. Section three thousand seven hundred and thirty-two of said Act is hereby amended to read as follows:

Duplicate
assessment
book.

3732. On or before the first Monday of October, he must deliver a copy of the corrected assessment book, to be styled "Duplicate Assessment Book," to the Tax Collector, with an affidavit attached thereto, and by him subscribed as follows: "I, —, Auditor of the county of —, do swear that I received the assessment book of the taxable property of the county from the Clerk of the Board of Supervisors, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the State Board of Equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage, as required by law, and that the copy to which this affidavit is affixed is a full, true, and correct copy thereof, made in the manner prescribed by law."

SEC. 13. Section three thousand seven hundred and forty-six of said Act is hereby amended to read as follows:

Tax Col-
lector to
publish
notice.

3746. Within ten days after the receipt of the "Duplicate Assessment Book," the Tax Collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property and one half of the taxes on all real property will be due and payable on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto, fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday in April next, at six

o'clock P. M., an additional five per cent will be added thereto. That the remaining one half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto, five per cent will be added to the amount thereof; *provided*, that in counties, or cities and counties, containing a population of over two hundred and fifty thousand inhabitants, within ten days after the receipt of the "Duplicate Assessment Book," the Tax Collector must publish a notice specifying: That the taxes on all personal property secured by real property, and one half of the taxes on all real property, are due and payable on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday in February next, at six o'clock P. M., an additional five per cent will be added thereto. That the remaining one half of the taxes on all real property will be payable on and after the first Monday in January next, and will be delinquent on the last Monday in February next thereafter, at six o'clock P. M., and that unless paid prior thereto, five per cent will be added to the amount thereof.

When taxes become delinquent.

2. That all taxes may be paid at the time the first installment as herein provided is due and payable.

3. The times and places at which payment of taxes may be made.

SEC. 14. Section three thousand seven hundred and fifty of said Act is hereby amended to read as follows:

3750. The Tax Collector must mark the date of payment of any tax, or of the several partial payments, as the case may be, in the assessment book, opposite the name of the person paying.

Date of payment to be marked in book.

SEC. 15. Section three thousand seven hundred and fifty-one of said Act is hereby amended to read as follows:

3751. He must give a receipt to the person paying any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax, paid, and the amount remaining unpaid, if any, with a description of the property assessed; *provided*, that the receipt for the last installment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first installment of taxes, in lieu of a description of the property assessed.

Receipts to be given.

SEC. 16. Section three thousand seven hundred and fifty-six of said Act is hereby amended to read as follows:

3756. On the last Monday in November of each year, at six o'clock P. M., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the Tax Collector must collect, for the use of the county, or city and county, an addition of fifteen per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at six o'clock P. M., he shall collect an addition of five per cent thereon. On the last Monday of April of each

Penalty for delinquent taxes.

Cities of
first class.

year, at six o'clock P. M., all the unpaid portion of the remaining one half of the taxes on all real property are delinquent, and thereafter the Tax Collector must collect, for the use of the county, or city and county, an addition of five per cent thereon; *provided*, that in counties, or cities and counties, containing a population of over two hundred and fifty thousand inhabitants, on the last Monday in November of each year, at six o'clock P. M., all the unpaid portion of the personal property taxes and the unpaid portion of one half the taxes on all real property are delinquent, and thereafter the Tax Collector must collect, for the use of the county, or city and county, an addition of five per cent thereon; *provided*, that if they be not paid before the last Monday in February next succeeding, at six o'clock P. M., he shall collect an addition of five per cent thereon. On the last Monday of February of each year, at six o'clock P. M., all the unpaid portion of the remaining one half of the taxes on all real property are delinquent, and thereafter the Tax Collector must collect, for the use of the county, or city and county, an addition of five per cent thereon; *and provided further*, that the entire tax on any real property may be paid at the time the first installment as above provided is due and payable; *and provided further*, that the taxes on all personal property, unsecured by real property, shall be due and payable immediately after the assessment of said personal property is made.

Entire tax
may be
paid.

SEC. 17. Section three thousand seven hundred and fifty-eight of said Act is hereby amended to read as follows:

Joint meet-
ing of
Auditor
and Tax
Collector.

3758. On the third Monday in December and May of each year, in each of the counties, and cities and counties, of the State, the Tax Collector must attend at the office of the Auditor, with the duplicate assessment book, and carefully compare the duplicate with the original assessment book, and every item marked "paid" in the former must be marked "paid" in the latter; *provided*, that in all counties, or cities and counties, containing a population of over two hundred and fifty thousand inhabitants, on the first Monday in June of each year, the Tax Collector must attend at the office of the Auditor, with the duplicate assessment book, and carefully compare the duplicate with the original assessment book, and every item marked "paid" in the former must be marked "paid" in the latter.

SEC. 18. Section three thousand seven hundred and sixty-four of said Act is hereby amended to read as follows:

Delinquent
list to be
published.

3764. 1. On or within five days before or after the first Monday in June of each year, the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication to be a charge against the county, or city and county; *provided*, that in counties, or cities and counties, containing a population of over two hundred and fifty thousand

inhabitants, on or before the last Monday of April of each year, the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to the taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. The expense of the publication to be a charge against the county, or city and county.

SEC. 19. Section three thousand seven hundred and ninety-seven of said Act is hereby amended to read as follows:

3797. 1. The Tax Collector must, on the third Monday of February and June in each year, attend at the office of the Auditor with the delinquent list, and the Auditor must then carefully compare the list with the assessment of persons and property not marked "paid" on the assessment book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book; *provided*, that in counties, or cities and counties, containing a population of over two hundred and fifty thousand inhabitants, the Tax Collector must, on the first Monday of June in each year, attend at the office of the Auditor with the delinquent list, and the Auditor must then carefully compare the list with the assessment of persons and property not marked "paid" on the assessment book, and when taxes have been paid, must note the fact in the appropriate column in the assessment book.

Joint meeting of Auditor and Tax Collector.

SEC. 20. Section three thousand eight hundred of said Act is hereby amended to read as follows:

3800. At the times mentioned in section three thousand seven hundred and sixty-four, the Tax Collector must make an affidavit, indorsed on the list, that the taxes not marked "paid" have not been paid, and that he has not been able to discover any property belonging to or in possession of the persons liable to pay the same whereof to collect them.

Affidavit of Tax Collector.

SEC. 21. Section three thousand eight hundred and sixteen of said Act is hereby amended to read as follows:

3816. Whenever property sold to the State, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows: The original tax and the twenty-five per cent and interest paid in redemption shall be apportioned between the State and county, or city and county, in the same proportion that the State tax bears to the county, or city and county, tax; the moneys received for delinquencies shall be paid to the county, or city and county. The County Treasurer shall keep an accurate account of all money paid in redemption of property sold to the State, and shall, on the first Monday of February and June in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the Controller of State, in such form as the Controller may desire. Whenever the State shall receive from the Tax Collector any grant or property so sold for taxes, the same shall be recorded,

Disposition of taxes paid on property redeemed.

at the request of the County Treasurer, free of charge, by the County Recorder, and shall be immediately reported by the County Treasurer to the State Board of Equalization.

SEC. 22. Section three thousand eight hundred and sixty-six of said Act is hereby amended to read as follows:

Settlement
of Treas-
urers with
Controller.

3866. The Treasurers of all the counties, or cities and counties, of this State, must, between the fifteenth and thirtieth days of December, March, May, and August of each year, proceed to the State Capitol and settle in full with the Controller of State, and pay over in cash, to the Treasurer of State, all funds belonging to the State which have come into their hands, as County Treasurers, before the close of business on and including the first Monday of the months of December, March, May, and August, at the end of the previous month. If, in the opinion of the Controller of State, it appears from the report of the County Auditor that sufficient property tax has not been collected to make it for the interest of the State that a settlement should be made, the Controller shall defer the settlement until the next regular settlement. No mileage, fees, or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred, that the County Auditor, in his next report to the Controller of State, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

Settlement
may be
deferred.

SEC. 23. This Act shall take effect and be in force from the first Monday in July, A. D. eighteen hundred and ninety-one.

CHAPTER CCXXXI.

An Act to appropriate the sum of five thousand dollars for the benefit of the sufferers from the Tia Juana flood of the twenty-second of February, 1891, and to provide for its payment to the Board of Supervisors of San Diego County, and its distribution to the sufferers.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation
for
Tia Juana
sufferers.

SECTION 1. There is hereby appropriated the sum of five thousand dollars out of any moneys in the General Fund not otherwise appropriated, to be paid to the Board of Supervisors of San Diego County, to be by said Board held in trust and paid out for the benefit of the sufferers from the Tia Juana flood, occurring on the twenty-second day of February, eight-hundred and ninety-one, in San Diego County.

SEC. 2. The Controller is hereby authorized, empowered, and directed to draw his warrant in favor of the Board of Supervisors of San Diego County in the sum of five thousand dollars, payable out of the General Fund, and the Treasurer of the State is hereby directed to pay the same.

SEC. 3. That upon the receipt of the money by the Board of ^{Distribu-} Supervisors of San Diego County, they shall distribute the same ^{tion.} to the persons referred to in section one hereof, upon such proof and as said Board may deem proper; and that said Board and the members thereof shall charge nothing for their services.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCXXXII.

An Act appropriating money for the payment of the salary, from March 24, 1891, to July 1, 1891, of the Deputy Attorney-General.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six hundred and fifty dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salary of the Deputy Attorney-General, from March twenty-fourth, eighteen hundred and ninety-one, to July first, eighteen hundred and ninety-one. ^{Salary of Deputy Attorney-General.}

SEC. 2. Said salary is payable in the same manner as other State officers.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXXIII.

An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-second fiscal year.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-second fiscal year, including office rent, furniture, and books for San Francisco. ^{Deficiency in Attorney-General's office.}

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXXIV.

An Act to authorize the use of the ballot paper now the property of the State.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Ballot
paper.

SECTION 1. The Secretary of State is hereby authorized and required to utilize the ballot paper in his custody for county and municipal ballots, in coming elections, to the best advantage.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCXXXV.

An Act authorizing the State Board of Examiners to sell old furniture and all material belonging to the State and not required for public use.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Old fur-
niture,
etc., to be
sold.

SECTION 1. The State Board of Examiners are hereby authorized to sell, when in their judgment they deem it advisable, the old furniture and all other useless material belonging to the State and not required for State purposes, and pay the proceeds thereof into the State Treasury to the credit of the General Fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXVI.

An Act fixing the rate of tare on baled hops.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tare on
baled hops.

SECTION 1. There shall be allowed on baled hops a tare at the rate of two per centum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXXVII.

An Act to amend section five of an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February 26, 1885.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved February twenty-sixth, eighteen hundred and eighty-five, is hereby amended so as to read as follows:

Section 5. Whenever any one or more of the State series of school text-books shall have been compiled and adopted, the State Board of Education shall issue an order requiring the uniform use of said book or books in the common schools of the State; but said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion of the electrotype plates of said book or books, and thereafter such book or books shall be used in all the common schools of this State; and no School Board, or other school authority in this State, shall have the power to authorize the use of, nor shall any common school in this State use any books as text-books for pupils other than those directed to be used by the order aforesaid of such State Board, except books on such subjects as are not provided for by text-books published by the State. Nothing in this Act shall be construed to prevent any county or school district from adopting any one or more of the State series of school text-books, whenever said book or books shall have been published. The Superintendent of Public Instruction must withhold from any city, city and county, county, or from any school district in this State using school books in violation of the provisions of this Act and section, all State school moneys to which it may be entitled, until it comply with the requirements of this section; and any moneys so withheld must be apportioned by the Superintendent at the next annual apportionment, in the same manner as other school moneys in the Treasury.

Uniform use of State text-books required.

All others prohibited.

All moneys to be withheld for violations.

SEC. 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

CHAPTER CCXXXVIII.

An Act to provide for the publication and distribution of a State Blue Book or Roster.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

State
Roster.

SECTION 1. The Secretary of State is hereby authorized to compile, publish, and distribute one thousand copies of a State Blue Book or Roster. The volumes shall be ready to distribute at the beginning of the next fiscal year, and at the same time biennially thereafter.

Distribu-
tion of
volumes

SEC. 2. The volumes shall be distributed in part as follows: To every elective State officer, one copy each; to every member of the Senate and Assembly, one copy each; to the Clerk of every county in the State, one copy each; to the Mayor or Chairman of the Board of Trustees of every city in the State, one copy each; to the State Library, five copies; to the Congressional Library at Washington, D. C., five copies; to every public and every law library in the State, one copy each; to the Secretary of State of every State in the Union, one copy each. The remainder of the volumes shall be retained and distributed at the discretion of the Secretary of State.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCXXXIX.

An Act to amend section two of an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance, within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885. Amended so as to read as follows.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Title.

SECTION 1. Section two of an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property and the creation of trusts for the founding, endowment, erection, and maintenance, within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March

ninth, eighteen hundred and eighty-five, is hereby amended as follows:

Section 2. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing, and maintain within this State, a university, college, school, seminary of learning, mechanical institute, museum, botanic garden, public park, or gallery of art, or any or all thereof, may, to the end, and for such purpose, by grant, in writing, convey to a trustee, or any number of trustees, named in such grant (and to their successors), any property, real or personal, belonging to such person, and situated or being within this State; *provided*, that if such person be married, and the property be community property, then both husband and wife must join in such grant.

Provisions
for gift to
public in-
stitutions.

CHAPTER CCXL.

An Act to amend section three thousand nine hundred and twenty-six of the Political Code, relating to the boundary of Sutter County.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section three thousand nine hundred and twenty-six of the Political Code is hereby amended so as to read as follows:

3926. Beginning at the northwest corner of Sacramento County, as established in section thirty-nine hundred and twenty-eight; thence up the Sacramento River to the mouth of Butte Creek Slough; thence down said slough to the dividing line between sections thirty-five and thirty-six, township sixteen north, range one west, Mount Diablo base and meridian; thence north, on said line, to Butte Creek; thence following said Butte Creek to its intersection with the south line of section nineteen, township seventeen north, range one east, Mount Diablo base and meridian; thence east on section line to Feather River; thence down Feather River to mouth of Bear River; thence up Bear River to northwest corner of Placer County, as established in section thirty-nine hundred and twenty-four; thence along the western boundary of Placer County to the southwest corner thereof; thence westerly along the northern boundary of Sacramento County to the place of beginning.

Boundary
of Sutter
County

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXLI.

An Act to amend section one hundred and three of the Code of Civil Procedure of the State of California, relating to Justice's Courts.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is amended to read as follows:

Justices of
the Peace.

103. There shall be at least one Justice's Court in each of the townships of the State, for which one Justice of the Peace shall be elected by the qualified electors of the township, at the general State election next preceding the expiration of the term of office of his predecessor; *provided*, that in any county where, in the opinion of the Board of Supervisors, the public convenience requires it, the said Board may, by order, provide that two Justice's Courts may be established in any township, designating the same in such order; and in such case one Justice of the Peace shall be elected in the manner herein provided for each of said Courts. In every city having fifteen thousand and not more than thirty-four thousand inhabitants, there shall be one Justice of the Peace, and in every city having thirty-four thousand and not more than one hundred thousand inhabitants, two Justices of the Peace, to be elected in like manner by the electors of such cities, respectively; and such Justices of the Peace of cities, and Justice's Courts of cities, shall have the same jurisdiction, civil and criminal, as Justices of the Peace of townships and township Justice's Courts. No person shall be eligible to the office of Justice of the Peace in any city having over fifteen thousand inhabitants who has not been admitted to practice law in a Court of record; and no Justice of the Peace shall be permitted to practice law before any other Justice of the Peace in the city and county in which he resides, or to have a partner engaged in the practice of law in any Justice's Court in such city or county. Every Justice of the Peace in any city having over fifteen thousand inhabitants shall receive an annual salary of two thousand dollars per annum, and shall be provided by the city authorities with a suitable office in which to hold his Court. All fees which are by law chargeable for services rendered by such Justices of the Peace in the cities aforesaid, shall be by them, respectively, collected; and on the first Monday in each month every such City Justice of the Peace shall make report, under oath, to the City Treasurer, of the amount of fees so by him collected, and pay the amount so reported into the City Treasury, to the credit of the General Fund thereof.

Eligibility.

Salary.

SEC. 2. The term of office of Justices of the Peace now elected shall not be affected by this Act.

CHAPTER CCXLII.

An Act to amend section three of "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six, is hereby amended to read as follows: Erections and buildings.

Section 3. That after such plans, descriptions, bills of materials, and specifications and estimates, as are in this Act required, are made and approved, in accordance with the requirements of this Act, it shall be and is hereby made the duty of such Commissioners, Directors, Trustees, or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement, as in this Act provided, to give or cause to be given public notice of the time and place, when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract or contracts, based on such sealed proposals, will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having the largest circulation in the county where the work is to be let, and in two daily papers having the largest circulation and published each in the cities of Sacramento and San Francisco, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection, at all business hours, between the date of such notice and the making of such contract or contracts. Public notice to be given.

† But in the letting of contracts as provided for in this Act, and in giving notice thereof, the notice shall at least state that bids for the furnishing of the materials for and doing the mason and iron work, for the furnishing of the materials for and doing the carpenter and plasterer's work, and for the furnishing of the materials for and doing the plumbing, gas fitting, and heating work, and for the furnishing of the materials for and doing the tinning, galvanized iron, and slating work, and for the furnishing of the materials for and doing the painting and graining work, and for the furnishing of the materials for and doing the electric work, will be separately received, and separate contracts for furnishing such materials and doing such work shall be made, as set out in said notice. When and where to be published.

Bids for different work received separately.

†

CHAPTER CCXLIII.

An Act expressing assent of the State of California to the Act of Congress, approved August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an Act of Congress, approved July second, eighteen hundred and sixty-two," and to the purposes of the grants of moneys authorized thereby, and to all the provisions thereof.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assent to grants of money from United States.

SECTION 1. The State of California hereby assents to the purposes of the grants of moneys authorized by the Act of Congress, approved August thirtieth, eighteen hundred and ninety, and to all the provisions thereof, of which Act the following is a copy:

Title.

AN ACT TO APPLY A PORTION OF THE PROCEEDS OF THE PUBLIC LANDS TO THE MORE COMPLETE ENDOWMENT AND SUPPORT OF THE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS, ESTABLISHED UNDER THE PROVISIONS OF AN ACT OF CONGRESS, APPROVED JULY SECOND, EIGHTEEN HUNDRED AND SIXTY-TWO.

Law of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, now established, or which may be hereafter established, in accordance with an Act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years, by an additional sum of one thousand dollars over the preceding year; and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars, to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction; *provided*, that no money shall be paid out under this Act to any State or Territory for the support and main-

Amount granted.

tenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this Act, if the funds received in such State or Territory be equitably divided as hereinafter set forth; *provided*, that in any State in which there has been one college established in pursuance of the Act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the Act to which this Act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this Act, between one college for white students, and one institution for colored students established as aforesaid, which shall be divided into two parts, and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this Act, and subject to its provisions, as much as it would have been if it had been included under the Act of eighteen hundred and sixty-two; and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

Distinction
of race
or color.

Institu-
tions for
colored
students
entitled to
benefits.

Section 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial Treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the Trustees of the college, or the institution for colored students, immediately pay over said sums to the Treasurers of the respective colleges, or other institutions entitled to receive the same, and such Treasurers shall be required to report to the Secretary of Agriculture, and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received, and of its disbursement. The grants of moneys authorized by this Act are made subject to the legislative assent of the several States and Territories to the purpose of said grants; *provided*, that payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of Legislature meeting next after the passage of this Act, shall be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury.

How paid.

Reports.

Section 3. That if any portion of the moneys received by the designated officer of the State or Territory, for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this

When
money
is lost.

Act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Report of
President
of each in-
stitution.

An annual report by the President of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted, by mail, free, to all other colleges further endowed under this Act.

Rules for
United
States
officials.

Section 4. That on or before the first day of July in each year, after the passage of this Act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory, whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this Act, and the amount which, thereupon, each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

Section 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

Section 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act.

Approved, August 30, 1890.

CHAPTER CCXLIV.

An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto certain new and additional sections, to provide the mode of carrying into effect certain provisions of said Act relative to changing grades.

[Approved March 31, 1891.]

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 work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, is hereby amended by adding thereto sections, as follows:

Section 38. The City Council are hereby empowered to change or modify the grade of any public street, lane, alley, place, or court, in the manner and as hereinafter provided. Before any change of grade is ordered, the City Council shall pass a resolution of intention to make such change or changes of grade, and shall publish a copy of said resolution in a newspaper in which the official notices of the City Council are usually printed and published, such newspaper to be designated in the resolution of intention. Said resolution shall be published in every regular issue of such newspaper for not less than ten days, and shall describe the proposed change of grades, and shall designate and establish the district to be affected thereby, and within the limits of said district the lots of land to be benefited by such change of grade shall be assessed to pay any damage that may be awarded by reason of the change. One or more streets or blocks of any street or streets may be embraced in the same proceedings. Within five days after the first publication of the resolution of intention, the Superintendent of Streets shall cause to be conspicuously posted, within the district designated in the resolution, notices of the passage of said resolution. Said notices shall be the same in all requirements of contents and posting as the "Notices of Street Work," provided for in section three of the Act hereby amended. If no objections to said proposed change or changes of grade shall be filed with the Clerk of the City Council within thirty days from the first publication of the resolution of intention hereinbefore mentioned, the City Council shall thereafter declare such grades to be changed and established in conformity to said resolution of intention.

Section 39. Within thirty days after the first publication of said notice, any person owning land in the district designated, and claiming damage by reason of such change of grade, shall file a petition with the City Council, or the Clerk thereof, setting

Title.

Powers of City Council as to grade of streets, etc.

Publish notices.

Notices to be posted.

In case of damage by change of grade.

Asking for
Commissioners
to assess
damages
and
benefits.

forth in such petition a copy of the notice, the fact of the petitioner's ownership, his Post Office address, the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed, and asking the appointment of Commissioners to assess and report to the City Council the amount of damages and benefits that will be sustained by the property by reason of such change. The owners of two or more lots of land affected by such change may unite in the same petition; and when more than one petition is filed, the City Council may act upon all the petitions jointly. Each petition shall be verified by the oath of the petitioners therein named, or by the agent of such petitioners.

Hearing.

Section 40. If the petition mentioned in the preceding section of this Act be filed as therein provided, the City Council shall fix a time and place for the hearing of the same, and shall give notice thereof to said petitioner. A notice shall be deposited in the Post Office, at the place of hearing, at least five days before the time of hearing, and not less than thirty days after the first publication of the resolution of intention, postage prepaid thereon, and addressed to each of said petitioners at his Post Office address as contained in said petition. Said notice shall designate the time and place of hearing of the petition, and shall notify the petitioner that the City Council will, at such hearing, take such evidence and hear such witnesses as he may produce in support of his petition. The City Council, or its committee, may hear such witnesses, under oath, as may be deemed necessary at the hearing, which oath may be administered by any member of the Council, and shall thereupon proceed to act upon the petition; *provided*, that no action shall be taken upon said petition until proof, by affidavit, shall have been made of the mailing of the notice as provided herein.

If not a
proper case
for
damages.

Section 41. If the City Council shall find that the petition does not present a proper case for the payment of damage, it shall notify the petitioner, by a written notice, duly mailed to him at the Post Office address designated in his petition, that such petition is denied; and ten days after mailing such notice the City Council may proceed to change the grade the same as if no such petition were filed. If, after the hearing of the petition, the City Council shall, by its judgment thereon, decide that the petition presents a proper case for the payment of damages, it shall appoint three citizens, who are freeholders within the city, or city and county, and who are not interested in the lands to be assessed, to assess the benefits and damages to each separate lot of land, as the same appears of record on the last assessment roll, within the limits designated in the resolution of intention.

If a proper
case for
damages,
commis-
sion to be
appointed.

Duty of
Commis-
sioners.

Section 42. The Commissioners, when appointed, shall be sworn 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 within the limits designated. Upon subscribing to the

oath and filing the same, and a bond, to be approved by the City Council, in the penal sum of five thousand dollars, conditioned for the faithful discharge of their duties, with the City Council, the said Commissioners shall be qualified to discharge their duties in the premises.

Section 43. The Commissioners, in company with a committee from the City Council appointed for that purpose, shall visit and inspect all the lots of land and improvements appurtenant thereto within the district affected by the change of grade. The Commissioners shall have power to subpoena witnesses to appear before them, and examine, under oath, which any one of them is authorized to administer, any witnesses produced before them by any party, touching the matter to be investigated, and such other witnesses as they may deem necessary to fully acquaint themselves with the actual amount of benefit and damages which will result to the respective parties interested in the proposed change.

Power of Commissioners.

Section 44. The Commissioners having determined the damage which will be sustained by each petitioner in excess of all benefits, shall proceed to assess the whole amount thereof, together with the costs, charges, and expenses of the proceedings, including the compensation of the Commissioners for their services (such compensation and expenses to be fixed by the City Council), ratably upon the several lots of land benefited within the limits of the district, so that the same shall be distributed according to the benefits produced by such change as nearly as possible. The Commissioners shall receive for their services not more than one hundred dollars per month, for a period not exceeding six months, unless such time be further extended by the City Council, and during the progress of their work shall make such report to the Council as the City Council may require.

How damages assessed are to be apportioned.

Compensation of Commissioners.

Section 45. The Commissioners shall make their report in writing, and shall subscribe the same and file it with the City Council. In their said report they shall describe separately each piece of property which will sustain damage, stating the amount of damages which it will sustain over and above all benefits. They shall also give a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefit in excess of damage assessed against the same. When the amount of benefit and damage assessed to a lot is equal, such fact shall be stated in the report. In case the three Commissioners do not agree, the award agreed upon by any two of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected, such diagram to be attached to and form a part of the report of the Commissioners.

Report of Commissioners.

In cases of disagreement.

Section 46. If in any case the Commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot or land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner

Unknown owners.

Notice of filing.

or owners of any land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment. On the filing of said report, the Clerk of said City Council shall give notice of such filing, by the publication for at least ten days, in one or more daily newspapers published and circulated in said city; or, if there be no daily newspaper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the City Council, on or before a day fixed by the City Council, and stated in said notice, which day shall not be less than twenty days from the first publication thereof.

Hearing upon the objections to report.

Section 47. All objections shall be in writing, and filed with the Clerk of the City Council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the City Council, which shall fix the time for hearing the same, of which the Clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the City Council shall hear such objections and pass upon the same; and at such time, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the Commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had, as in the case of an original report.

Certified copy of report to be delivered to Street Superintendent.

Section 48. The Clerk of said City Council shall forward to the Street Superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the City Council. Such certified copy shall thereupon be the assessment roll, the cost of which shall be provided for by the Commissioners as a portion of the cost of the proceedings herein. Immediately upon receipt thereof by the Street Superintendent, the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Notice to be given of time when assessments are payable.

Section 49. The Superintendent of Streets shall thereupon give notice, by publication for ten days in one or more daily newspapers published and circulated in said city, or city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Superintendent of Streets, he shall write the word

“paid” and the date of payment opposite the respective assessment so paid, and the names of persons by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days, all assessments then unpaid shall be and become delinquent, and said Superintendent of Streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Superintendent of Streets shall, within five days from the date of such delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of State and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least two insertions in a weekly newspaper so published and circulated, before the day of sale for such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Superintendent of Streets. All property sold shall be subject to redemption for one year, and in the same manner as in sales for delinquent State and county taxes; and the Superintendent of Streets shall, if there is no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold, and may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property, for delinquent State and county taxes, in force at any given time, shall also, then, so far as the same are not in conflict with the provisions of this Act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the Street Superintendent made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. The Superintendent of Streets shall from time to time pay over to the City Treasurer all moneys collected by him on account of any such assessments. The City Treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, square, lane, alley, court, or place, for the change of grade for which the assessment was made. Payments shall be made from said fund to the parties entitled thereto, upon warrants signed by the Commissioners, or a majority of them.

Delinquent assessments.

Sale of property.

Redemption.

Duty of City Treasurer.

Damages
to be paid
by City
Treasurer.

Section 50. When sufficient money is in the hands of the City Treasurer, in the fund devoted to the proposed work or improvement, to pay for the damage to the land and improvements damaged, and when, in the discretion of the Commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the Commissioners to notify the owner, possessor, or occupant of any land, or improvements thereon, to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such Commissioners; such notification to be made by depositing a notice, postage paid, in the Post Office, addressed to his last known place of abode or residence. If, at the expiration of thirty days after the deposit of such notice, he should not have applied for such warrant, the warrant so drawn shall be deposited with the County Treasurer, and be delivered to such owner, possessor, or occupant, upon written demand therefor by him or his legal representatives.

How paid.

Section 51. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; *provided*, that warrants for land or improvements damaged shall have priority over warrants for charges and expenses; and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Change of
grade.

Section 52. Upon payment to the City Treasurer of the amount of the assessment sufficient to pay for the damage to land and improvements, and after the notice required by section fifty of this Act has been given, the City Council shall declare the grade to be changed in accordance with the resolution of intention, and said change of grade shall thereupon be established.

Section 53. The provisions of this Act shall be liberally construed to promote the objects thereof. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXLV.

An Act making an appropriation to pay the claims of Charles F. Reed, C. E. Grunsky, and J. J. Crawford, for expenses incurred as members of the Examining Commission on Rivers and Harbors, approved March 19, 1889.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for
Examining
Commission on
Rivers and
Harbors.

SECTION 1. The sum of nine hundred and fifty-seven dollars and twenty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for

the purpose of paying the claims of Charles F. Reed, C. E. Grunsky, and J. J. Crawford, for expenses incurred by them as members of the Examining Commission on Rivers and Harbors.

SEC. 2. The Controller is hereby authorized to draw his warrants in favor of Charles F. Reed, C. E. Grunsky, and J. J. Crawford, for the sum of nine hundred and fifty-seven dollars and twenty-three cents, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXLVI.

An Act authorizing the Attorney-General to settle and dismiss a certain action entitled "The People of the State of California, ex rel. John P. Dunn, State Controller, plaintiff, vs. Frank W. Gross, John Martin, and John Landers, defendants," wherein judgment was obtained against defendants in the Superior Court of the City and County of San Francisco, on the thirteenth day of December, 1889, which action is numbered twelve thousand nine hundred and two in said Court (now on appeal to the Supreme Court), upon payment to him for the use of the State of such moneys as he may deem advisable to accept.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Attorney-General, upon payment to him of such sum of money, for the use of the State, as he may deem advisable to accept, is hereby authorized and directed to settle and dismiss a certain action entitled "The People of the State of California, ex rel. John P. Dunn, State Controller, plaintiff, vs. Frank W. Gross, John Martin, and John Landers, defendants," wherein judgment was recovered in favor of the State, against the defendants, in the Superior Court of the City and County of San Francisco, on the thirteenth day of December, eighteen hundred and eighty-nine, and which cause is numbered in said Court twelve thousand nine hundred and two, and wherein John B. Martin and A. J. Martin are made defendants, as executors of the estate of John Martin, deceased, defendant therein, which cause has been appealed to the Supreme Court of this State. The Attorney-General is authorized to dismiss, upon the foregoing terms, said action as to any or all of the defendants therein, or the executors or heirs of said defendants.

Attorney-General authorized to dismiss a certain action.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXLVII.

An Act to amend section three hundred and nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to declaring dividends by Directors of corporations, and repealing section three hundred and nine of said Code.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and nine of the Civil Code of the State of California is hereby amended so as to read as follows:

Only dividends from surplus profits to be declared.

Directors liable personally for violation.

Land, water, and water rights may be divided.

309. The Directors of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock; nor must they create debts beyond their subscribed capital stock; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock, except as hereinafter provided, nor reduce or increase the capital stock, except as herein specially provided. For a violation of the provisions of this section, the Directors under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large on the minutes of the Directors at the time, or were not present when the same did happen) are, in their individual and private capacity, jointly and severally liable to the corporation, and to the creditors thereof, in the event of its dissolution, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, or debt contracted; and no statute of limitations is a bar to any suit against such Directors for any sums for which they are liable by this section; *provided, however*, that where a corporation has been heretofore or may hereafter be formed for the purpose, among other things, of acquiring, holding, and selling real estate, water, and water rights, the Directors of such corporation may, with the consent of stockholders representing two thirds of the capital stock thereof, given at a meeting called for that purpose, divide among the stockholders the land, water, or water rights so by such corporation held, in the proportions to which their holdings of such stock at the time of such division would entitle them. All conveyances made by the corporation, in pursuance of this section, shall be made and received subject to the debts of such corporation existing at the date of the conveyance thereof. Nothing herein shall prohibit a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution or the expiration of its term of existence.

CHAPTER CCXLVIII.

An Act to amend an Act entitled "An Act to create a Police Relief, Health, Life Insurance, and Pension Fund in the several counties, cities and counties, cities, and towns of the State," approved March 4, 1889.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section (1) one of the "Act to create a Police Relief, Health, and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State," approved March fourth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Section 1. The Chairman of the Board of Supervisors of the county, city and county, city, or incorporated town in which there is no Board of Police Commissioners, the Treasurer of the county, city and county, or incorporated town, and the Chief of Police, and their successors in office, are hereby constituted a Board of Trustees of the Police Relief or Pension Fund of the Police Department, to provide for the disbursement of the same and to designate the beneficiaries thereof, as hereinafter directed, which Board shall be known as the "Board of Police Pension Fund Commissioners;" *provided, however,* that where there is in any county, city and county, city, or town, a Board of Police Commissioners, then such body shall constitute said Board of Trustees of the Police Relief and Pension Fund of the Police Department.

Who to constitute Board of Trustees of Police Relief or Pension Fund.

Section (2) two of said Act is hereby amended so as to read as follows:

Section 2. They shall organize as such Board by choosing one of their number as Chairman, and by appointing a Secretary. The Treasurer of the county, city and county, city, or town shall be ex officio Treasurer of said fund. Such Board of Trustees shall have charge of and administer said fund, and to order payments therefrom in pursuance of the provisions of this Act. They shall report annually, in the month of June, to the Board of Supervisors, or other governing authority of the county, city and county, city, or incorporated town, the condition of the Police Relief and Pension Fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund and the amounts paid them.

Organization and officers.

CHAPTER CCXLIX.

An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be numbered one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, relating to the lien of depositaries for hire.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code, to be designated as section one thousand eight hundred and fifty-six, relating to the lien of depositaries for hire, as follows:

Lien for
storage
charges.

1856. A depositary for hire has a lien for storage charges, which is regulated by the title on liens.

SEC. 2. A new section is hereby added to the Civil Code, to be designated as section one thousand eight hundred and fifty-seven, relating to the lien of depositaries for hire, as follows:

Storage
property
to be sold.

1857. If from any cause other than want of ordinary care and diligence on his part, a depositary for hire is unable to deliver perishable property, baggage, or luggage received by him for storage, or to collect his charges for storage due thereon, he may cause such property to be sold, in open market, to satisfy his lien for storage; *provided*, that no property except perishable property shall be sold, under the provisions of this section, upon which storage charges shall not be due and unpaid for one year at the time of such sale.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

This Act shall take effect from and after its passage.

CHAPTER CCL.

An Act to amend sections three thousand seven hundred and thirteen and three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code is hereby amended so as to read as follows:

Amount of
revenue to
be raised.

3713. The State Board of Equalization must, for State purposes, for the forty-third and forty-fourth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars

in value of taxable property in this State, as, after allowing nine and one half per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the forty-third fiscal year:

For forty-third fiscal year.

First—For the General Fund, two million six hundred and twenty-two thousand six hundred and seventy-four dollars.

Second—For the School Fund, one million nine hundred and sixty-six thousand one hundred and seventy-four dollars.

Third—For the Interest and Sinking Fund, one hundred and ten thousand dollars.

Fourth—For the Special Mendocino Insane Asylum Fund, one hundred and seventy-five thousand dollars.

And for the forty-fourth fiscal year:

For forty-fourth fiscal year.

First—For the General Fund, two million seven hundred and fifty-six thousand nine hundred and sixty-four dollars.

Second—For the School Fund, one million nine hundred and sixty-six thousand one hundred and seventy-four dollars.

Third—For the Interest and Sinking Fund, one hundred and fifty-one thousand seven hundred and ten dollars.

SEC. 2. Section three thousand six hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

3696. Between the first and third Mondays in September of each year, the Board must determine the rate of State tax to be levied and collected upon the assessed valuation of the property of the State, which, after allowing nine and one half per cent for delinquencies in and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the Legislature for State purposes. The Board must immediately thereafter transmit to the Board of Supervisors and County Auditor of each county a statement of such rate, and upon its receipt the Clerk of said Board and County Auditor must each, in writing, notify the State Board of Equalization thereof.

Rate of State taxation.

CHAPTER CCLI.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the State Controller.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section four hundred and thirty-five is hereby amended to read as follows:

435. The Controller must keep a separate account of the School Fund, and of the interest and income thereof, together with such moneys as may be raised by special tax or otherwise for school purposes. He must, on the first Monday in January

Separate account of School Fund to be kept by Controller.

and on the first Monday in July in each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the Treasury subject to apportionment, and the several sources from which they accrued. He must draw his warrant on the State Treasurer in favor of any County Treasurer, whenever such County Treasurer presents, with his indorsement, an order drawn by the Superintendent of Public Instruction in favor of such county; and the warrant so drawn is not subject to the provisions of article eighteen of this chapter.

CHAPTER CCLII.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved March 12, 1885, by amending section six hundred and twenty-six of the Penal Code, relating to the laws for the preservation of game birds and animals.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and twenty-six of the Penal Code is amended so as to read as follows:

At certain times, misdemeanor to hunt quail, wild duck, etc.

626. Every person who, in the State of California, between the first day of March and the first day of October, in each year, hunts, pursues, takes, kills, or destroys any quail, partridge, or grouse, or any kind of wild duck or rail, is guilty of a misdemeanor.

Or destroy eggs of certain birds.

Every person who, in any of the counties of the State of California, at any time takes, gathers, or destroys the eggs of any quail, partridge, or grouse, or mallard duck, or any kind of summer duck, red head, teal, or any gray duck, or any other kind of wild duck, is guilty of a misdemeanor.

Doves.

Every person who, in the State of California, between the first day of January and the first day of July in each year, hunts, pursues, takes, kills, or destroys doves, is guilty of a misdemeanor.

Or kill male deer, antelope, mountain sheep.

Every person who, in any of the counties in the State of California, hunts, pursues, takes, kills, or destroys any male deer, antelope, mountain sheep, or buck for the period of two years from the date of the passage of this Act, is guilty of a misdemeanor.

Or possess green hides of certain animals.

Every person in the State of California who has in his possession any green hides or any green skins of any deer, elk, antelope, or mountain sheep, killed after the passage of this Act, and before the expiration of two years from the date of the passage of this Act, is guilty of a misdemeanor.

Or kill female deer, etc.

Every person in the State of California who, at any time hunts, pursues, kills, takes, or destroys any female deer, ante-

lope, elk, mountain sheep, or doe, shall be guilty of a misdemeanor.

Every person who shall at any time hunt, pursue, take, kill, or destroy any spotted fawn, is guilty of a misdemeanor. Or kill spotted fawn.

Every person who shall take, kill, or destroy any of the animals or birds mentioned in this section at any time, unless the carcass of such animal or bird is used or preserved by the person taking or slaying it, or is sold for food, is guilty of a misdemeanor. Must not kill except for food.

Every person who shall buy, sell, offer, or expose for sale, transport, or carry, or have in his possession, any deer or deer-skin; or any hide, or pelt, from which the evidence of sex has been removed, or any of the aforesaid game, at a time when it is unlawful to kill the same, as provided by this and subsequent sections, is guilty of a misdemeanor. Mutilated skins.

Any person found guilty of violating any of the provisions of this Act shall, upon conviction, be fined in a sum not less than one hundred (100) dollars, or by imprisonment in the county jail in the county in which the conviction was had not less than one hundred days, or by both such fine and imprisonment. One half of all moneys collected for fines for violations of the provisions of this section shall be paid to the informer, one quarter to the District Attorney of the county in which the conviction is had, and one quarter shall be paid into the Fish Commission Fund for the purchase and distribution of game birds in the various counties of the State of California. Penalty.

SEC. 2. All laws or parts of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLIII.

An Act to prevent destruction by fire of property of contiguous owners.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who starts a fire in hay, grain, stubble, or grass, without first carefully providing, by plowing or otherwise, for the keeping of said fire within and upon the premises upon which it is started or set out, and by reason of the non-providing of such barrier any property of an adjoining or contiguous resident or owner is injured, damaged, or destroyed, is guilty of a misdemeanor. Misdemeanor to start fires in hay, grass, etc.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLIV.

An Act to amend sections two thousand six hundred and forty-one, two thousand six hundred and forty-two, two thousand six hundred and forty-three, two thousand six hundred and forty-five, two thousand six hundred and forty-six, and two thousand six hundred and fifty-two, and to repeal section two thousand six hundred and forty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of highway officers, and to provide for the construction, maintenance, and improvements of highways by contract let out to the lowest bidder.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six hundred and forty-one of the Political Code is hereby amended to read as follows:

Super-
visor is
ex officio
Road Com-
missioner.

2641. The Board of Supervisors of the several counties shall divide their respective counties into suitable road districts, and may change the boundaries thereof, and each Supervisor shall be ex officio Road Commissioner of the several road districts in his Supervisor district, and shall see that all contracts made with, and all orders of the Board of Supervisors pertaining to the roads and bridges in his district are properly executed; *provided*, when in any county the members of the Board of Supervisors thereof are not elected by districts, it shall be the duty of such Board, by proper order to be entered in its records, to divide such county into Supervisor districts, to correspond with the number of members of such Board, and assign to each member thereof one of such districts, of which he shall be such Road Commissioner.

SEC. 2. Section twenty-six hundred and forty-two of the Political Code is hereby amended to read as follows:

Road
Overseer
abolished.

2642. From and after the Monday following the first day of January, A. D. eighteen hundred and ninety-three, the office of Road Overseer shall be abolished; *provided*, that whenever in this Code the words Road Overseer occur, they shall be taken and construed so as to read Road Commissioner.

SEC. 3. Section twenty-six hundred and forty-three of this Code is hereby amended to read as follows:

Duties of
Supervis-
ors.

2643. The Boards of Supervisors of the several counties of the State shall have general supervision over the roads within their respective counties. They must, by proper ordinance:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways such roads as have become such by usage or abandonment to the public. Also, all such streets and roads as have been or may be declared such

under section seventeen hundred and sixty-four of the Code of Civil Procedure.

Duties of
Boards of
Supervis-
ors.

3. Abolish or abandon such as are not necessary.

4. Contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the district road fund of the particular district.

5. At the first regular meeting in January, eighteen hundred and ninety-three, and at any regular meeting thereafter, advertise for sealed bids for keeping in order and repair all such roads, culverts, and bridges in the county, as hereinafter provided; *provided*, that the Board of Supervisors, in their discretion, may exclude from such contracts the repairing of any or all bridges.

6. In case no bids for contracts are received or accepted for work in any district, the Board shall order the work to be performed by the Road Commissioner of said district, as provided for in section twenty-six hundred and forty-five of this Code.

7. If any contractor neglects or fails to perform any work provided for in his contract, the Road Commissioner of the district in which such neglect or failure occurs shall notify such contractor to immediately make such repairs or to do such work as is needed; and if the contractor does not use reasonable diligence in complying with such notice, the Road Commissioner shall cause such work to be done by others, and the cost of such work shall be deducted from the quarterly allowance of such contractor.

8. The Road Commissioner, in all the road districts in his Supervisor district, shall inspect the work done under such contracts and orders, and make a written report thereon to the Board in January, April, July, and October of each year, which report shall include the amount and kind of work ordered done by him during the preceding quarter, under the provisions of subdivision seven of this section. The Board shall thereupon cause the amount found due the contractor for the preceding quarter, less such sums as the Road Commissioner may have necessarily spent by reason of the neglect of such road contractor, to be paid to such contractor, from the funds of the road district embraced in his contract.

9. The Board shall cause to be kept a book showing the number of sections in each district, their boundaries, length of roads in miles and fractions of miles, names of contractors, amounts of contract, and the cost of maintaining the several sections of road in each district.

10. Levy a property tax for road purposes.

11. In their discretion, cause to be erected and maintained on the highways they may designate mile-stones, or posts, or guide posts, and guide posts properly inscribed.

12. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the Treasurer in separate funds.

Duties of
Boards of
Supervisors.

13. Audit all claims on the funds of the respective road districts, when required to pay for work or improvements thereon.

14. In their discretion, they may provide for the establishment of gates on the public highways in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall, in all cases, be borne by the party or parties for whose immediate benefit the same shall be ordered.

15. For the purpose of watering roads in any part of the county, the Supervisors may erect, maintain waterworks, and for such purpose may purchase or lease real or personal property. The costs for such waterworks and the watering of said roads may be charged to the General County Fund, the General Road Fund, and the district fund of the district or districts benefited thereby.

SEC. 4. Section twenty-six hundred and forty-four of this Code is hereby amended to read as follows:

2644. This section is hereby repealed.

SEC. 5. Section twenty-six hundred and forty-five of this Code is hereby amended to read as follows:

Duty of
Road Commissioners.

2645. The Road Commissioner, under the direction and pursuant to the orders of the Board of Supervisors, must:

1. Take charge of the highways within their respective districts, and by and with the consent and approval of the Board of Supervisors, shall employ all men, teams, watering carts, and all help necessary to do the work in their respective districts; *provided*, that no Road Commissioner shall be interested, directly or indirectly, in any contract or work to be done in the road district under his charge and control.

2. Keep them clear from obstructions and in good repair, and destroy or cause to be destroyed, in the months of July and August of each year, all thistles, Mexican cockleburrs, or cockleburrs of any kind, and all noxious weeds, growing or being on any portion of the public highways or public roads in their respective districts; *provided*, that there be no contract to that effect.

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; *provided*, that an emergency exists, or pending the awarding of any contracts.

4. Make quarterly reports, under oath, of the number of days they have been employed during the preceding three months, the number of days' labor performed on the roads and highways in their respective districts, by whom performed, and the wages paid per day; filing therewith a receipt or receipts, signed by each or all persons who have performed labor, stating the number of days of labor performed, and the amount received for the same; also, the amount and value of the materials and the kind of each thereof.

5. When not otherwise provided for by law, he shall receive for his services as such Road Commissioner, twenty cents per mile one way, for all distances actually traveled by him in

the performance of his duties; *provided*, that he shall not, in any one year, receive more than three hundred dollars.

6. The Boards of Supervisors of each of the several counties may, if they deem it to be the best interests of their respective counties, appoint one Road Inspector for each such county, and prescribe his duties and compensation, subject to the provisions of this Act; *provided*, that the compensation of such Road Inspector shall not exceed the sum allowed by law as the total compensation of the Road Commissioners of such county. In case such Road Inspector be appointed, no salary, fees, or compensation shall thereafter be allowed to said Supervisors as Road Commissioners, during the time that such Road Inspector is serving as such. The salary, fees, or compensation of such Road Inspector shall be paid from the county road funds, and shall be as nearly as possible apportioned among and paid from the road district funds, according to the amount of service performed by him in the several road districts of the county. Said Boards of Supervisors may delegate to said Road Inspector all powers conferred upon them by law as Road Commissioners, save that said Boards of Supervisors shall not delegate to said Road Inspector any power or authority to open bids, or to award contracts, as provided in this Act, and no Road Inspector shall be directly or indirectly interested in any such contract.

SEC. 6. Section twenty-six hundred and forty-six of this Code is hereby amended to read as follows:

2646. The Board of Supervisors must:

1. Advertise for sealed bids to maintain the roads in the several districts in the county, where contracts have not already been let, or for the reletting of contracts, by notice in a weekly newspaper published in the county, or in one published within the district in which the work is to be done, if there be one so published, and also post three notices in prominent places within said district, for four consecutive weeks immediately prior to the day set for receiving and opening said bids and awarding contracts.

2. The notice shall contain a general description of the roads in the district in which work is required to be done under said contracts, the boundaries of the district, and explicit specifications as to the manner in which the work shall be done in particular parts or portions thereof.

3. The bids shall be made and the contracts awarded for a term of not less than one nor more than four years. They shall be opened and the contracts awarded at any regular meeting.

4. Said contracts shall be awarded separately for each road district in the county, and no contract shall be awarded to a person who is not a qualified elector of the county.

5. Contracts shall be awarded to the lowest responsible bidder, and a bond caused to be executed, in a sum equal to the amount of the contract, for the faithful performance of the conditions of said contract. The contractor shall also be required to perform the duties prescribed in subdivisions two and three of section twenty-six hundred and forty-five of this chapter.

6. The Board may reject any or all bids.

Road Inspector.

Supervisors must advertise for bids to maintain roads.

What notices shall contain.

Bids.

Contracts.

Bonds.

SEC. 7. Section twenty-six hundred and fifty-two of this Code is hereby amended to read as follows:

Road poll tax.

2652. The Board of Supervisors may, annually, at any regular meeting held between the first days of January and March of each year, levy on each male person over twenty-one and under fifty-five years of age, found in each road district during the time for the collection of road poll taxes for that year, excepting all persons who were honorably discharged from service in the army or navy of the United States, at any time within the first day of April, in the year of our Lord eighteen hundred and sixty-one, and the first day of September, in the year of our Lord eighteen hundred and sixty-five, an annual road poll tax not exceeding three dollars; and from every such person not above excepted, in a road district, who has not paid the same in some other district, must be collected the amount of road poll tax so levied. Said road poll tax shall be collected by the County Assessor in the same manner that State poll taxes are collected, and all remedies given by law for the collection of State poll taxes shall apply to and be in force for the collection of road poll taxes. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to said County Assessor on or before the first Monday of March of each year; and said Assessor shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the Auditor, and pay over the amounts collected, in the manner provided by section thirty-eight hundred and fifty-three of this Code. A sum not exceeding thirty-five per cent of all road poll taxes so collected may be apportioned to the General Road Fund, and the balance shall be apportioned to the several districts of the county from which said road poll tax was collected.

How collected.

SEC. 8. All Acts and 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 the Monday following the first day of January, in the year of our Lord eighteen hundred and ninety-three.

CHAPTER CCLV.

An Act to define the duties of and to license land surveyors.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Require-
ments to
receive
license as
land sur-
veyor.

SECTION 1. Every person desiring to become a licensed land surveyor in this State must present to the State Surveyor-General of this State a certificate that he is a person of good moral character; also, a certificate signed by three licensed sur-

veyors, or a certificate signed by the Board of Examining Surveyors (provided for in section five of this Act), which certificate shall set forth that the person named therein is, in the opinion of the person signing the same, a fit and competent person to receive a license as a land surveyor, together with his oath that he will support the Constitution of this State and of the United States, and that he will faithfully discharge the duties of a licensed land surveyor, as defined in this Act.

SEC. 2. Upon receipt of such certificate and oath by the State Surveyor-General, it shall be his duty to forthwith to issue to such applicant a license, without charge, which license shall set forth the fact that the applicant is a competent surveyor, or that he has had at least two years' experience in the field as a surveyor or assistant surveyor.

Surveyor-General to issue license.

SEC. 3. Such license shall contain the full name of the applicant; the technical institution from which he is a graduate (if he be a graduate), or if he be not a graduate, the fact must be stated in the license; his birthplace, age, and to whom issued; the name of the person upon whose certificate the license is issued, and the date of its issuance.

Form and contents.

SEC. 4. All papers received by the State Surveyor-General on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and a list of all licensed land surveyors shall be kept by him, and he shall monthly transmit to the County Recorder of each county in this State a full and correct list of all persons so licensed; and it is hereby made the duty of such Recorders to keep such lists in their offices in such a way as they may be easily accessible to all persons.

Papers and records.

SEC. 5. Within twenty days after the passage of this Act, the Governor shall appoint three surveyors in good standing, members of the Technical Society of the Pacific Coast, and two other surveyors in good standing, not members of such society, as a Board of Examining Surveyors, who shall conduct such examinations and make such inquiries as to them may seem necessary to ascertain the qualifications of applicants for surveyors' licenses.

Governor to appoint Examining Board.

SEC. 6. A majority of the Board of Examining Surveyors shall meet on the first Friday of each month during their term of office, in the rooms of the Technical Society of the Pacific Coast, in San Francisco, and at such other times and places as they may select. The members of the Board shall hold office for the term of one year from the date of appointment, and shall serve without compensation.

Meetings.

Compensation.

SEC. 7. Every licensed surveyor shall have a seal of office, the impression of which must contain the name of the surveyor, his principal place of business, and the words "Licensed Surveyor;" and all maps and papers signed by him, and to which said seal has been attached, shall be prima facie evidence in all the Courts of this State.

Seal.

SEC. 8. Surveyors' licenses, issued in accordance with this Act, shall remain in force until revoked for cause, as hereinafter provided.

May
administer
oaths.

SEC. 9. Every licensed surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners; or, if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning such corner or monument be perpetuated; or whenever the importance of the survey makes it desirable, to administer an oath for the faithful performance of duty to his assistants. A record of such oaths shall be preserved as a part of the field notes of the survey.

Duty of
Surveyors.

SEC. 10. Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set permanent and reliable monuments, and such monuments must be permanently marked with the initials of the surveyor setting them.

Record of
surveys.

SEC. 11. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads or trails, original cemetery or town sites, and their subdivisions, has been made by a licensed surveyor, he shall file with the Recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind, and location, with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original town-site survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map; the date of survey; a proper connection with one or more points of an original or larger tract of land, and the name of the same; the name of the grant or grants, or of the townships and ranges within which the survey is located; the signature and seal of the surveyor; *provided*, that nothing in this section shall require record to be made of surveys of a preliminary nature, where no monuments or corners are established.

What
record
must show.

Index to
surveys.

SEC. 12. The record of surveys thus filed with the County Recorder of any county must be by him pasted into a stub book, provided for that purpose, and he must keep a proper index of such records, by name of owner, by name of surveyor, by name of grant, city, or town, and by United States subdi-

visions; and he shall make no charge for filing and indexing such records of surveys.

SEC. 13. Upon the failure of any licensed surveyor to comply with the requirements of this Act, and the furnishing of satisfactory proofs of such fact, the State Surveyor-General must revoke his license, and no other license shall be issued to him within one year from such revocation. A violation of section eleven of this Act shall be a misdemeanor, and any person convicted of such violation shall be punished by a fine not to exceed more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days.

Violations
a misde-
meanor.

SEC. 14. In case said Board shall refuse to meet and examine applicants for licenses as in this Act provided, and issue to such applicants the certificate or certificates mentioned in this Act, if such person be a fit and competent person to receive the same, they may be compelled to do so by mandamus; and if upon the hearing of such mandamus it appears that they have willfully and wrongfully refused to examine any applicants, or to issue him a certificate when he is entitled to the same, such Board so refusing or failing shall be, jointly and severally, liable for all cost of said mandamus proceeding, including attorney's fee of five hundred dollars, and shall be so jointly and severally liable to any person aggrieved by such refusal, in the sum of five hundred dollars, as fixed, settled, and liquidated damages, which may be recovered in any Court in this State, and the judgment (if it be for plaintiff) in mandamus shall be prima facie evidence of such injury and damage in any action which may be brought to recover damages under the provisions of this Act.

Board may
be man-
damused
for neglect.

Liable
for costs
and dam-
ages.

SEC. 15. All that part of the Code of Civil Procedure of this State relating to mandamus is hereby made applicable to the provisions of this Act; and all proceedings in mandamus under this Act shall be in accordance therewith.

SEC. 16. This Act shall take effect on the first day of July, eighteen hundred and ninety-one.

CHAPTER CCLVI.

An Act to amend sections one, nine, and seventeen of "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March 11, 1889.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Name
changed to
"Southern
California
State
Asylum for
the Insane
and In-
ebriates."

Section 1. The institution for the care and treatment of the insane designated as "The Southern California State Hospital for the Insane," and which has been located in San Bernardino County, and now in process of construction, shall hereafter be known and designated as "The Southern California State Asylum for the Insane and Inebriates."

SEC. 2. Section seventeen of "An Act to provide for the erection and management of a State Hospital for the Insane," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Conditions
for admis-
sion.

Section 17. Insane patients shall be admitted to the Southern California State Asylum for the Insane and Inebriates, in the same manner and upon the same conditions that patients are now admitted to the State Insane Asylums at Stockton, Napa, and Agnews; and the Chairman of the Boards of Supervisors of the several counties may make application in behalf of any inebriate, in indigent circumstances, to the Judge of the Superior Court of the county where he resides, and said Judge shall call two respectable physicians, and other creditable witnesses, and fully investigate the facts of the case, and either with or without the verdict of jury, at his discretion, as to his being an inebriate, shall decide the case as to his indigence. And

Inebriates
must be
discharged
after one
year.

if the Judge certifies that satisfactory proof has been adduced showing him to be an inebriate, and his estate is insufficient to support him and his family (or, if he has no family, himself), and that he would probably reform under treatment therein, on his certificate, authenticated by the County Clerk and seal of the Superior Court, he shall be admitted into the said asylum, and kept there until he shall be reformed, but the said period is not to exceed one year, by which time, if he shall not be reformed, he shall be discharged as being an incurable inebriate; and a majority of the Trustees of the said asylum may at any time discharge an inebriate who has been reformed, upon the recommendation of the Superintendent of the said asylum, and the same authority to discharge shall apply to any inebriate who shall be found to be incurable by the said Superintendent of the said asylum. The Judge of the Superior Court in trying such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the Clerk of the county. The Chairmen of the Boards of Supervisors of the several counties shall make the herein mentioned application to the Judge of the Superior Court of the county where any inebriate resides, upon the production and filing of an affidavit or affidavits, by two reputable practicing physicians and two reputable citizens, freeholders of such county, to the effect that such inebriate is lost to self-control, unable, from such inebriation, to attend to business, or is thereby dangerous to remain at large, and the affidavit of the said two reputable citizens, freeholders of said county, is also to contain a statement that the said inebriate is an indigent person, to the best of their knowledge and belief. The commitment of any inebriate to the said asylum shall not

When
Chairman
of Super-
visors
must act.

be made by any Judge of the Superior Court for a longer period than one year. And whenever there are vacancies in the said asylum, the Trustees of same may authorize the Superintendent of same to admit, under such rules and regulations as the Trustees of the said asylum may adopt, by special agreement, such private patients as may seek admission, who, in his opinion, promise reformation; but preference in all cases shall be given to citizens of the State; and the charges, to be collected monthly in advance, for keeping of such private inebriate patients, shall not be less than the cost of their food, care, and the attendance furnished them. The word used herein denoting the masculine gender only, may extend to and include females.

SEC. 3. Section nine of "An Act to provide for the erection and management of a State Hospital for the Insane," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended to read as follows (*provided*, that this Act shall not be held to appropriate any money):

Section 9. There is hereby appropriated the sum of three hundred and fifty thousand dollars, for the purpose of purchasing said site and erecting the said building, and to be placed in the fund to be known as "The Southern California State Asylum Fund," and shall be available for all purposes as set forth in the aforesaid Act as hereby amended.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLVII.

An Act to provide for the purchase of a portrait of ex-Governor Waterman, by the State Board of Examiners, and to appropriate money therefor.

[Approved March 31, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Board of Examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of ex-Governor Waterman, the same to be appropriately framed, at a price not to exceed six hundred dollars; and upon delivery of such portrait, so framed, to the said Board of Examiners, the Controller shall draw his warrant, as said Board of Examiners may direct, for the amount of the contract price, and the Treasurer is hereby directed to pay the same.

SEC. 2. The sum of six hundred dollars, or so much thereof as may be necessary to pay the Controller's warrant under the provisions of section one of this Act, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose named in section one of this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCLVIII.

An Act to provide for the improvement of the Reform School at Whittier, California, for Juvenile Offenders, and make an appropriation for the same.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for Whittier Reform School.

For what purposes.

SECTION 1. The sum of one hundred and twenty-one thousand four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to be paid to the Trustees of the Reform School for Juvenile Offenders, and by them expended as follows: For laundry machinery, consisting of rack iron dry-room with double coils, washers, extractors, mangles, tier stoves, engine, soap tanks, tubs, shaftings, pulleys, hangers, belting, etc.; for brick engine and boiler house; for cement floors for laundry-room, dynamo-room, and engine-room; for hydraulic passenger and freight elevators, with accumulators, condensers, and pumps; for oil-burning plant, consisting of oil house, oil tank, air compressor for oil burning, oil and air accumulator, oil burners, oil pipe-line from railroad; for deep well pump, capacity two thousand gallons per hour; for radiators, coils, and everything complete for steam heating Industrial Building, Administration Building, and Girls' Cottage; for incandescent electric light plant complete for lighting Industrial Building, Girls' Cottage, and Administration Building, consisting of electroliers, dynamos, and arc lights; for power plant, consisting of two tubular boilers, two fifty horse-power engines, two duplex boilers, feed pumps, and all fitting complete; total, fifty thousand dollars. For furnishing and equipping Administration Building and Girls' Cottage, twenty-five thousand dollars; for sewerage, one thousand dollars; for asphaltum or cement in court and walks around Administration Building, one thousand five hundred dollars; for water pipe-lines and the construction of reservoir and piping water, ten thousand dollars; for fitting up Industrial Building with tools and machinery for systematic instruction in the trades, five thousand dollars; for one hundred and twenty acres of land, in accordance with bond dated July twenty-third, eighteen hundred and eighty-nine, twenty-six thousand four hundred dollars; for stock, vehicles, and agricultural implements, two thousand five hundred dollars.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for said amounts, upon the demand of the Trustees of the Reform School for Juvenile Offenders, and the Treasurer of State is hereby authorized and directed to pay the same.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCLIX.

An Act to provide for the erection of additional buildings for the California Home for the Care and Training of Feeble-Minded Children, to complete buildings now being erected, and to appropriate money therefor.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and twenty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended for the erection of additional buildings, and to complete buildings now being erected for the California Home for the Care and Training of Feeble-Minded Children, at Glen Ellen, Sonoma County, in this State. One half of the said appropriation to be expended in the forty-third fiscal year, and one half to be expended during the forty-fourth fiscal year.

Appropriation for Home for Feeble-Minded Children.

SEC. 2. The sum of one hundred and nine thousand six hundred and eighty-two dollars of the money herein appropriated shall be expended for the erection of a wing to the main building of said institution, to be known as the "Boys' Wing." The sum of five thousand two hundred and fifty dollars of the money herein appropriated shall be expended for the erection of an engine house for said institution. The sum of five thousand nine hundred and seventy-three dollars of the money herein appropriated shall be expended for the heaters and radiators for the hot-water heating of the building to be known as the "Boys' Wing." The sum of three thousand one hundred and fifty dollars of the money herein appropriated shall be expended for the heaters and radiators for the hot-water heating of the kitchen and dining-room building. The sum of nine hundred and forty-five dollars of the money herein appropriated shall be expended for the gas fixtures for the kitchen and dining-room building, laundry and bakery building, and the epileptic building.

How said sum to be expended.

SEC. 3. The State Controller is hereby authorized and directed to draw his warrants in favor of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children for the money herein appropriated, and the Treasurer is directed to pay said warrants.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLX.

An Act to appropriate money for the completion of the building of the State Normal School at Chico.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for Chico Normal School.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of constructing and completing the building of the State Normal School at Chico.

SEC. 2. The money so appropriated shall be expended under the direction of the Board of Trustees of the State Normal School at Chico.

SEC. 3. The Controller of State is hereby authorized to draw his warrants for said sum, from time to time, as the work shall progress, in favor of said Board of Trustees, upon their requisition for the same, and the State Treasurer is hereby directed to pay the same.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXI.

An Act to appropriate the sum of four hundred and fifty-eight dollars and sixty-five cents, to pay the claim of William H. Murphy for money illegally paid the State of California.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim of William H. Murphy.

SECTION 1. The sum of four hundred and fifty-eight dollars and sixty-five cents is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, to pay the claim of William H. Murphy.

SEC. 2. The provisions of section six hundred and seventy-two of the Political Code of this State are hereby declared non-applicable to the provisions of this statute.

SEC. 3. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasury, payable to said William H. Murphy, for the said sum of four hundred and fifty-eight dollars and sixty-five cents, and the Treasurer is hereby ordered to pay the same.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXII.

An Act to provide for certain improvements and repairs at the Folsom State Prison, and making an appropriation therefor.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, to be paid to the State Board of Prison Directors, and to be expended by them at the Folsom State Prison, for the following improvements, viz.: For cell room for three hundred convicts in the new wing of the prison building; for convicts' dining-room and kitchen, and the necessary ranges, ovens, etc., for the same; for officers and guards' dining-room and kitchen, additional quarters for the officers and guards, and the necessary furnishing of the same; for completing the State power-house in accordance with the plans adopted, and purchasing turning lathes and such machinery as is needed for prison work.

Appropriation for Folsom State Prison.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the said State Board of Prison Directors for the amount appropriated by section one of this Act, and the State Treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. All bills of materials for such improvements and repairs shall be first audited by the Board of Directors and approved by the State Board of Examiners before being paid.

SEC. 4. The consent of no other Board will be required before making such improvements and repairs.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXIII.

An Act to establish a standard of weights and measures.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be but one standard of weights and measures of capacity throughout this State, which shall be in conformity with the standard of weights and measures established by law.

Standard of weights and measures.

SEC. 2. The Secretary of State shall be *ex officio* State Sealer of Weights and Measures, and he is hereby required to seal all

State Sealer.

balances, weights, and measures to be used as standards by the County Sealers.

County
Sealers.

SEC. 3. It shall be the duty of the Governor of the State of California to appoint, whenever so requested to do by the Board of Supervisors of any county, or city and county, a County Sealer in every county of this State, who shall hold office for four years from the date of appointment, and it shall be the duty of each and every County Sealer to procure, at the expense of the county in which he is appointed, a complete standard of balances, weights, and measures, in conformity with that established by the laws of the United States, which shall consist of a standard balance, a yard, a pound weight, a liquid gallon, and a half bushel, and the usual subdivisions of such weights and measures; the standard to be examined and certified to by the said State Sealer, who shall procure, at the expense of the State, a complete standard of weights and measures in conformity with this Act.

Stamp.

SEC. 4. Each County Sealer shall procure a stamp with the letter "C," and he shall cause the same to be stamped on all weights and measures which he shall have examined and certified to be correct. Every County Sealer may appoint, when so authorized by the Board of Supervisors of any county, or city and county, as many deputies as may be necessary for the faithful and prompt discharge of the duties of his office. Such deputies shall hold office during the pleasure of the County Sealer, and shall have the same powers as the County Sealer.

Deputies.

Weights
and meas-
ures
must be
certified.

SEC. 5. All persons using any weights and measures or beams, by which any commodity or articles of trade or traffic is weighed or measured, shall have the same certified to by the County Sealer at least once in a year. Any person hereafter using any such weights and measures or beams not conformable to the standard of the county in which such weights, measures, or beams are used, or without having such weights, measures, or beams certified to as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty nor more than one hundred dollars for each and every offense; and the person or persons who shall furnish the information necessary to secure a conviction for violating any of the provisions of this Act shall be entitled to one half of the fine collected, and the officer collecting the same shall pay it over to such persons, on demand; and one half of the fine collected shall be paid to the District Attorney of the county in which the conviction is had.

Report of
violations.

SEC. 6. It is hereby made the duty of the County Sealers to report immediately, to the Prosecuting Attorney or District Attorney of the county for which they may act, all violations of section five of this Act, whose duty it shall be to prosecute all persons so offending.

Power of
County
Sealer.

SEC. 7. The County Sealer shall have the power to inspect, at any hour in the daytime, all such weights and measures and beams, at or in the places where they are used; and any person refusing to allow such inspection, upon reasonable request, shall be liable to the penalties of section five of this Act.

SEC. 8. Each County Sealer shall be entitled to receive for his services, from persons using balance weights and measures mentioned in section three hereof, the following fees: For sealing and marking every beam, one dollar; for sealing and marking measures of extension, at the rate of fifty cents per yard, not to exceed two dollars for any measure; sealing scales, from two pounds up to two hundred pounds, seventy-five cents each; from two hundred pounds to five hundred pounds, inclusive, one dollar and fifty cents each; five hundred pounds to two thousand pounds, inclusive, two dollars and fifty cents each; two thousand to six thousand, five dollars each; from six thousand (three ton) to twenty-five ton, ten dollars each; twenty-five ton up to one hundred ton, twenty-five dollars each; for sealing and marking liquid measures, if the same be of the capacity of one gallon or more, fifty cents; if less than a gallon, twenty-five cents.

Compensation of County Sealers.

SEC. 9. Every County Sealer of Weights and Measures shall pay all the expenses incurred in the discharge of his duties, including salaries of deputies, from the fees collected by him, and no charge shall be made by such County Sealer to any county for such expenses.

Expenses.

SEC. 10. The County Sealer shall keep a record of the names of all firms and persons where, and the date when, weights and measures and balances have been officially adjusted, and shall issue to such persons and firms a certificate therefor.

Records.

SEC. 11. The Chief Sealer of Weights and Measures of the State of California shall appoint a practical scalemaker a Deputy State Sealer, to assist said State Sealer to establish the different County Sealers' offices, to adjust annually the balances, weights, and measures in the State of California, and to complete the office of the Chief Sealer at the Capitol with all necessary appliances to carry out the provisions of this Act. Said deputy may charge to said County Sealers a fee of one hundred dollars. All such fees shall be paid into the General Fund of the State Treasury. Said Deputy Sealer shall receive a salary of one hundred and fifty dollars per month, and traveling expenses incurred in the performance of his official duties.

Deputy State Sealer.

SEC. 12. The Secretary of State is hereby authorized and empowered, and it shall be his duty, to complete the office of said Chief Sealer, at the Capitol of this State, with all the necessary appliances to carry out the provisions of this Act. The salary of said Deputy State Sealer shall be paid monthly, in the same manner as the salaries of other State officers are paid. The traveling expenses incurred by said Deputy State Sealer in the discharge of his official duties, as also the expenses incurred by the Secretary of State in completing the office of said State Sealer with all the necessary appliances, shall be paid out of the General Fund of the State Treasury, after being audited and allowed by the State Board of Examiners.

Office of Chief Sealer.

SEC. 13. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER CCLXIV.

An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

What corporation may act as executor and administrator.

SECTION 1. Any corporation which has or shall be incorporated under the general incorporation laws of this State, authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depository, or trustee, and having a paid-up capital of not less than two hundred and fifty thousand dollars, of which one hundred thousand dollars shall have been actually paid in, in cash, may be appointed to act in such capacity in like manner as individuals. In all cases in which it is required that an executor, administrator, guardian, assignee, receiver, depository, or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation, if such oath shall be taken and subscribed, or such affidavit made, by the President, or Secretary, or Manager thereof, and such officer shall be liable for the failure of such corporation to perform any of the duties required by law to be performed by individuals acting in like capacity and subject to like penalties; and such corporation shall be liable for such failure to the full amount of its capital stock; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person. Such corporations shall be entitled to, and shall be allowed proper compensation for all the services performed by them under the foregoing provisions of this Act; but such compensation shall not exceed that allowed to natural persons for like services.

Who to subscribe to oath.

Compensation.

Court may order deposits made with corporation.

SEC. 2. Any Court, having appointed and having jurisdiction of any executor, administrator, guardian, assignee, receiver, depository, or trustee, upon the application of such officer or trustee, or upon the application of any person having an interest in the estate administered by such officer or trustee, after notice to the other parties in interest as the Court may direct, and after a hearing upon such application, may order such officer or trustee to deposit any moneys then in his hands, or which may come into his hands thereafter, and until the further order of said Court, with any such corporation, and upon deposit of such money, and its receipt and acceptance by such corporation, the said officer or trustee shall be discharged from further care or responsibility therefor. Such deposits shall be paid out only upon the orders of said Court.

SEC. 3. And it shall be lawful for any Public Administrator to deposit with any such corporation doing business in the

county, or city and county, in which he is acting as such administrator, any and all moneys of any estate upon which he is administering, not required for the current expenses of the administration. And such deposits shall relieve the Public Administrator from depositing with the County Treasurer the moneys so deposited with such corporation. Moneys deposited by a Public Administrator may be drawn, upon the order of such Administrator, countersigned by a Judge of a Superior Court, when required for the purpose of administration, or otherwise.

Public Administrator may deposit funds with such corporation.

SEC. 4. Whenever, in the judgment of any Court having jurisdiction of any estate in process of administration by any executor, administrator, guardian, assignee, receiver, depository, or trustee, the bond required by law of such officer shall seem burdensome or excessive, upon application of such officer or trustee, and after such notice to the parties in interest as the Court shall direct, and after a hearing on such application, the said Court may order the said officer or trustee to deposit with any such corporation, for safe-keeping, such portion or all of the personal assets of said estate as it shall deem proper; and thereupon said Court shall, by an order of record, reduce the bond to be given or theretofore given by such officer or trustees, so as to cover only the estate remaining in the hands of said officer or trustee; and the property as deposited shall thereupon be held by said corporation, under the orders and directions of said Court. Any Court having jurisdiction of an estate being administered by a Public Administrator, may direct such Public Administrator to deposit all or any part of the moneys of the estate not required for the current expenses of the administration, with any such corporation doing business in the county, or city and county, where such Public Administrator is acting.

Court may order officer to deposit funds, and reduce bond.

Court may order Public Administrator to deposit.

SEC. 5. Such corporations shall not be required to give any bond or security in case of any appointment hereinbefore provided for, except as hereinafter provided, but shall be responsible for all investments which shall be made by it of the funds which may be intrusted to it for investment by such Court, and shall be further liable as natural persons in like positions now are, and as hereinafter provided. The amount of money which any such corporation shall have on deposit at any time shall not exceed ten times the amount of its paid-up capital and surplus, and its outstanding loans shall not at any time exceed said amount.

Such corporation responsible for investments.

SEC. 6. Such corporations shall pay interest upon all moneys held by them by virtue of this Act, at such rate as may be agreed upon at the time of its acceptance of any such appointment, or as shall be provided by the order of the Court.

Interest.

SEC. 7. Each corporation, before accepting any such appointment or deposit, shall deposit with the Treasurer of State, for the benefit of the creditors of said corporation, the sum of two hundred thousand dollars, in bonds of the United States, or municipal bonds of this State, or in mortgages on improved and productive real estate in this State, being first liens thereon,

Deposit bonds with State Treasurer.

and the real estate being worth at least twice the amount loaned thereon. The bonds and securities so deposited may be exchanged from time to time for other securities, receivable as aforesaid. Said bonds of the United States, or municipal bonds of this State, to be registered in the name of said Treasurer officially, and all said securities to be subject to sale and transfer, and to the disposal of the proceeds by said Treasurer, only on the order of a Court of competent jurisdiction, and as herein-after provided.

May mortgage real estate.

SEC. 8. Any such corporation, having a paid-up capital in excess of two hundred and fifty thousand dollars, may be permitted by the Board of Bank Commissioners to mortgage any improved and productive real estate owned by it, in excess of said amount, to the Treasurer of State, for such sum as the said Board may determine; and such mortgage may be deposited with said Treasurer, and, when so deposited, it shall be included in the amount of securities hereinabove required to be deposited with said Treasurer for the benefit of the creditors of said corporation.

When deposit must be increased.

SEC. 9. So long as the corporation so depositing shall continue solvent, such corporation shall be permitted to receive from said Treasurer the interest or dividends on said deposit; *provided, however,* that when it shall appear to the Board of Bank Commissioners, from the semi-annual report of any such corporation, that the value of the personal property and cash held and possessed by such corporation, by virtue of the provisions of this Act and any amendment thereof, exceeds ten times the amount of the deposit aforesaid, said Board shall require said corporation to forthwith increase its said deposit to the sum of five hundred thousand dollars in such securities. And whenever it shall appear to said Board that the amount of personal property and cash so held by any such corporation has been reduced below ten times the value of its original deposit above provided for, and said corporation is not in any default in its duties and obligations hereunder, they shall allow such corporation to reduce its said deposit to the sum of two hundred thousand dollars, by the withdrawal of such additional deposit, until such time as an increase in its holdings shall again require an additional deposit, as hereinbefore provided.

When decreased.

Abstract of titles.

SEC. 10. When any part of such deposit is made in bonds and mortgages, it shall be accompanied by full abstracts of titles and searches, and shall be examined and approved by or under the direction of the said Board. The fees for an examination of title by counsel, to be paid by the corporation making the deposit, shall not exceed twenty dollars for each mortgage, and the fee for each appraiser, not exceeding two, besides expenses, shall be five dollars for each mortgage.

Certificate of authority.

SEC. 11. It shall not be lawful for any such corporation to accept any trust or deposit, as hereinbefore provided, after the passage of this Act, without first procuring from the Board of Bank Commissioners a certificate of authority, stating that such corporation has complied with the requirements of this Act in respect to such deposit.

SEC. 12. Such corporation shall file with the said Board of Bank Commissioners, during the months of January and July of each year, a statement, under oath, of the condition of such corporation at the close of business on the thirty-first day of December and the thirtieth day of June, respectively, next preceding, showing its financial condition. Also, a list and brief description of the trusts held by such corporation, the source of the appointment thereto, and the amount of real and personal estate held by such corporation by virtue thereof, except that mere mortgage trusts, wherein no action has been taken by such corporation, shall not be included in such statement. The said statement shall also be in such form, and contain such reports, returns, and information, as to the affairs, business, condition, and resources of the corporation, as the said Board may from time to time prescribe and require.

Semi-annual statement.

SEC. 13. Such statement shall be verified by the affidavit of one of the managing officers and two of the Directors or Trustees of such corporation, who shall also state in such affidavit that they have examined the assets and books of such corporation for the purpose of making such statement. Any false swearing in regard to such statement shall be deemed perjury, and shall be subject to the punishment prescribed by law for such offense.

Verification of statement.

SEC. 14. The said Board of Bank Commissioners are hereby authorized and empowered to address any inquiries to any such corporation, or the officers thereof, in relation to its doings and conditions, or any other matter connected with its affairs; and it shall be the duty of any such corporation or person so addressed to promptly reply, in writing, to such inquiries; and they may also require reports from any such corporation at any time they may deem desirable. It shall be the duty of one or more of the Bank Commissioners, as designated by the Commissioners, annually, or as often as in their judgment they may deem it necessary, without previous notice, to visit and to make personal examination of the solvency of any such corporation, its ability to fulfill all its obligations, and report its condition to the Attorney-General as soon as may be after such examination.

Duty of Bank Commissioners.

SEC. 16. Such Commissioners shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person, for the purpose of examination, by summons, subpoena, or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in Courts of record in this State; and all books and papers which may be deemed necessary to examine by the Commissioners shall be produced, and their production may be compelled in like manner.

Power to administer oaths, and examine witnesses.

SEC. 17. Whenever it shall appear to the Board of Bank Commissioners, from any such examination or report, that any such corporation has committed any violation of law, or is conducting its business in an unsafe or unauthorized manner, they shall, by an order under their hands, direct the discon-

Duty of Commissioners when corporation violates law.

tinuance of such illegal and unsafe or unauthorized practice, and strict conformity with the requirements of the law, and with safety and security in its transactions; and whenever any such corporation shall refuse or neglect to make any such report as hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the said Board that it is unsafe or inexpedient for any such corporation to continue to transact business, they shall communicate the facts to the Attorney-General, who shall thereupon institute such proceedings against the corporation as the nature of the case may require.

False
statement
revokes
authority.

SEC. 18. If the Board of Bank Commissioners shall, at any time, have satisfactory evidence that any semi-annual statement or other report required or authorized by this Act, made or to be made by any officer or officers of such corporation, is false, it shall be the duty of the said Board to immediately revoke the certificate of authority granted on behalf of such corporation, and mail a copy of such revocation to said corporation and to the Clerk of every Court of record in this State. Such revocation shall not be set aside until satisfactory evidence shall be given to said Board of Bank Commissioners that such corporation is in substance and in fact in the condition set forth in such statement or report, and that all the requirements of this Act have been complied with. Such revocation shall be sufficient cause for the removal of such corporation from any appointment held by it under the provisions of this Act.

Retire-
ment from
business.

SEC. 19. Any corporation which desires to retire from business under this Act, shall furnish to the Board of Bank Commissioners satisfactory evidence of its release and discharge from all the obligations and trusts hereinbefore provided for; whereupon, they shall revoke their certificate to such corporation, and thereupon the Treasurer of State shall return to said corporation all its securities.

SEC. 20. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXV.

An Act appropriating money for the maintenance and support of the Sacramento Home for Foundlings, and providing for the control and disbursement thereof by the State Board of Examiners.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not other-

wise appropriated, for the maintenance and support of the Sacramento Home for Foundlings.

Sacramento Home for Foundlings.

SEC. 2. The money hereby appropriated is to be used by the Directors of said Home, upon demands audited and allowed by the State Board of Examiners, and all bills against said appropriation shall, before payment, receive the approval of said Board of Examiners.

SEC. 3. Such demands, after approval as aforesaid, shall be presented to the Controller, who shall draw his warrant therefor, and the Treasurer shall pay the same.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXVI.

An Act making an appropriation for additional improvements for the Southern California State Hospital for the Insane.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the furnishing of the Southern California State Hospital for the Insane, one half to be expended in the forty-third fiscal year, and one half to be expended in the forty-fourth fiscal year. The Controller of the State shall draw warrants for the same, as the work shall progress, in favor of the Board of Trustees of said Southern California State Hospital for the Insane, upon their requisition for the same, and such requisitions shall not exceed the following amounts:

Furnishing Southern California Hospital for Insane.

1. For furnishing ward building of said hospital, the sum of ten thousand dollars.

2. For furnishing the culinary department of said hospital, the sum of five thousand dollars.

3. For piping water to said hospital building and supplying water power therefor, the sum of fifteen thousand dollars.

4. For lighting and heating the buildings of said hospital, the sum of ten thousand dollars.

5. For furnishing a power plant for said hospital, the sum of ten thousand dollars.

6. For sewerage of the buildings of the said hospital, the sum of five thousand dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXVII.

An Act to amend section two thousand four hundred and sixty-eight of the Political Code, relating to pilotage.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two thousand four hundred and sixty-eight of the Political Code is hereby amended to read as follows:

Amend-
ment to
law of
pilotage.

2468. All vessels sailing under an enrollment, and licensed and engaged in the coasting trade between the port of San Francisco and any other port of the United States, shall be exempt from all pilotage unless a pilot be actually employed. All foreign vessels, and all vessels from a foreign port or bound thereto, and all vessels sailing under a register between the port of San Francisco and any other port of the United States, shall be liable for pilotage and half-pilotage as provided in section two thousand four hundred and sixty-six of this Code.

SEC. 2. This Act shall take effect from passage.

CHAPTER CCLXVIII.

An Act to authorize the State Board of Prison Directors to pay for certain skilled labor used in the construction of the dam and canal at the Folsom Prison, and making an appropriation therefor.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation to pay for skilled labor at Folsom Prison.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of sixteen thousand nine hundred and twenty-five dollars, to be paid to the State Board of Prison Directors, and to be expended by them in payment of certain skilled labor which has been furnished and paid for by the Folsom Water Power Company, and used in the construction of the dam and canal at the Folsom State Prison.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the State Board of Prison Directors for the amount appropriated by section one of this Act, and the State Treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. Before ordering said claim paid, the State Board of Prison Directors shall require the Folsom Water Power Company to file an itemized account of all such skilled free labor furnished and used upon the said dam and canal, with vouch-

ers showing the amounts so paid, and also a release of any and all claims against the State of California for labor so furnished.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXIX.

An Act to provide for the erection of additional buildings for the use of the State Normal School at San José, California, and making an appropriation therefor.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of thirty-seven thousand dollars (\$37,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended for the erection of additional buildings, for furnishing the same, for the use and occupation of the pupils attending the State Normal School at San José, of which sum not more than five thousand dollars (\$5,000) shall be used for furnishing said buildings.

Appropriation for San José Normal School.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the Board of Trustees of said State Normal School, for the money herein appropriated, and the State Treasurer is hereby directed to pay said warrants.

SEC. 3. All bills for materials for such additional buildings, and for furnishing the same, shall be first audited by the Board of Trustees of said Normal School, and approved by the State Board of Examiners, before being paid.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXX.

An Act making appropriations for the support of the government of the State of California for the forty-third and forty-fourth fiscal years.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for support of the government of the State of California for the forty-third and forty-fourth fiscal years:

General Appropriation Bill for forty-third and forty-fourth fiscal years.

Legisla-
ture.

For per diem and mileage of Lieutenant-Governor and Senators, twenty thousand five hundred dollars.

For per diem and mileage of Assemblymen, forty-one thousand dollars.

For pay of officers and clerks of Senate, six thousand dollars.

For pay of officers and clerks of the Assembly, six thousand two hundred dollars.

For contingent expenses of the Senate, twelve thousand dollars.

For contingent expenses of the Assembly, eighteen thousand dollars.

Supreme
and Su-
perior
Courts.

For salaries of Justices of the Supreme Court, eighty-four thousand dollars.

For State's portion of salaries of Judges of Superior Courts, two hundred and ninety-one thousand dollars.

For salary of Clerk of the Supreme Court, six thousand dollars.

For salaries of Deputy Clerks of the Supreme Court, eighteen thousand dollars.

For salary of Reporter of Decisions of the Supreme Court, five thousand dollars.

For salary of Deputy Reporter of the Decisions of the Supreme Court, four thousand eight hundred dollars.

For salaries of Secretaries of the Supreme Court, nine thousand six hundred dollars.

For salary of Bailiff and performing the work of Porters of Supreme Court, six thousand dollars.

For pay of Porter for office of Clerk of Supreme Court, nine hundred and sixty dollars.

For postage and contingent expenses of Supreme Court, five hundred dollars.

For postage and contingent expenses of Clerk of the Supreme Court, seven hundred dollars.

For expenses of Supreme Court, under section forty-seven, Code of Civil Procedure, thirty-eight thousand dollars.

For salary of Phonographic Reporter of the Supreme Court, six thousand dollars.

Supreme
Court Com-
missioners.

For salaries of Supreme Court Commissioners, sixty thousand dollars.

For salary of Secretary for Supreme Court Commissioners, four thousand eight hundred dollars.

For postage and contingent expenses, Supreme Court Commissioners, two hundred dollars.

Governor's
office.

For salary of Governor, twelve thousand dollars.

For salary of Private Secretary to the Governor, eight thousand dollars.

For salary of Executive Secretary to the Governor, five thousand two hundred dollars.

For salary of Stenographer to Governor, three thousand two hundred dollars.

For pay of Porter to Governor, two thousand one hundred and sixty dollars.

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260
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100
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For special contingent expenses of Governor's office (secret service), exempt from provisions of section six hundred and seventy-two of Political Code, five thousand dollars. Governor's office.

For postage, expressage, telegraphing, and contingent expenses of the Governor's office, two thousand dollars.

For salary of Secretary of State Board of Examiners, four thousand eight hundred dollars. Board of Examiners.

For postage, expressage, telegraphing, and contingent expenses, State Board of Examiners, five hundred dollars.

For salary Assistant Secretary State Board of Examiners, three thousand six hundred dollars.

For salary of Secretary of State, six thousand dollars.

For salary of Deputy Secretary of State, four thousand eight hundred dollars. Secretary of State's office.

For salary of Bookkeeper to Secretary of State, four thousand dollars.

For salaries of Clerks of Secretary of State, nine thousand six hundred dollars.

For pay of Porter to Secretary of State, nine hundred and sixty dollars.

For pay of Keeper of Archives, four thousand dollars.

For postage, expressage, and telegraphing of Secretary of State, two thousand dollars.

For salaries of two special clerks in the office of the Secretary of State under section four hundred and twenty-two of the Political Code, one thousand dollars, to be expended during the forty-fourth fiscal year.

For contingent and traveling expenses, Secretary of State, five hundred dollars.

For salary of Controller, six thousand dollars.

For salary of Deputy Controller, four thousand eight hundred dollars. Controller's office.

For salary of Bookkeeper of Controller, four thousand dollars.

For salary of Clerks of Controller, sixteen thousand dollars.

For pay of Porter of Controller, nine hundred and sixty dollars.

For postage, expressage, and telegraphing of Controller, one thousand dollars.

For traveling and contingent expenses of Controller, one thousand five hundred dollars.

For salary of Treasurer, six thousand dollars.

For salary of Deputy Treasurer, four thousand eight hundred dollars. Treasurer's office.

For salary of Bookkeeper of Treasurer, four thousand dollars.

For salary of Clerk of Treasurer's office, from January to July of each year, sixteen hundred dollars.

For salaries of Watchmen of Treasurer, four thousand eight hundred dollars.

For pay of Porter of Treasurer, nine hundred and sixty dollars.

For postage, expressage, and contingent expenses of Treasurer, six hundred dollars.

Attorney-General's office.

For salary of Attorney-General, six thousand dollars.

For salary of Deputies Attorney-General, fourteen thousand four hundred dollars.

For salary of Clerk of Attorney-General, three thousand two hundred dollars.

For pay of Porter of Attorney General, nine hundred and sixty dollars.

For postage, expressage, and contingent expenses of Attorney-General, one thousand dollars.

For pay and expenses for Stenographer to Attorney-General, three thousand six hundred dollars.

For traveling expenses of Attorney-General, one thousand dollars.

For office rent for Attorney-General in San Francisco, nine hundred and sixty dollars.

For costs and expenses of suits wherein the State is a party in interest, six thousand dollars.

For expenses of Attorney-General in tax suits and other suits in United States, two thousand five hundred dollars.

Surveyor-General's office.

For salary of Surveyor-General and Register of State Land Office, six thousand dollars.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars.

For salaries of Clerks of Surveyor-General, twelve thousand eight hundred dollars.

For pay of Porter of Surveyor-General, nine hundred and sixty dollars.

For postage, telegraphing, and expressage of Surveyor-General, one thousand dollars.

For contingent expenses of Surveyor-General, five hundred dollars.

For purchase of and copying maps for Surveyor-General, two thousand dollars.

For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State or the United States and individuals, in relation to public lands, one thousand dollars.

Superintendent of Public Instruction's office.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, four thousand eight hundred dollars.

For salary of Clerk, Superintendent of Public Instruction, three thousand two hundred dollars.

For salary of clerical assistance in distributing State school books, three thousand two hundred dollars.

For pay of Porter, Superintendent of Public Instruction, nine hundred and sixty dollars.

For postage and expressage, Superintendent of Public Instruction, one thousand eight hundred dollars.

For contingent expenses, Superintendent of Public Instruction, two hundred dollars.

For traveling expenses, Superintendent of Public Instruction, two thousand four hundred dollars.

For salary of State Librarian, six thousand dollars.

Veterol - For salaries of two deputies, State Librarian, seven thousand two hundred dollars. State Librarian.

Veterol - For pay of Porter, State Librarian, two thousand one hundred and sixty dollars.

For salary of Adjutant-General, six thousand dollars.

National Guard.

For salary of Assistant Adjutant-General, four thousand eight hundred dollars.

For pay of Porter, Adjutant-General, two thousand four hundred dollars.

For postage, expressage, and telegraphing, Adjutant-General, five hundred dollars.

For care of State Armory, cleaning and transportation of arms, and traveling and contingent expenses, Adjutant-General, two thousand dollars.

For armory rents and other expenses of the National Guard, two hundred and fourteen thousand nine hundred and twenty-seven dollars.

For expenses of encampment of the National Guard, seventy thousand five hundred and twenty dollars. Not subject to provisions of section four of this Act.

For purchase and repairs of uniforms, National Guard, five thousand dollars.

For target practice, National Guard, seven thousand dollars.

For salary of Superintendent of State Printing, six thousand dollars. Superintendent of State Printing.

For the support of State Printing Office, including pay of employes, purchasing of supplies, type, machinery, etc., two hundred thousand dollars, not subject to the provisions of section four of this Act; *provided*, that in the purchase of quantities of type and printing material, except power presses, all purchases shall be made after advertising and from the lowest responsible bidder, agreeable to section five hundred and thirty-two of the Political Code; *and provided further*, that any such bids may be rejected in whole or in part.

For pay of employes and for stock and material for State School Book Text-Book Department, forty thousand dollars, exempt from the provisions of section four of this Act.

For compiling of State School Text-Books, five thousand dollars.

For salary of Secretary of State Board of Health, five thousand dollars. State Board of Health.

For traveling and contingent expenses, State Board of Health, three thousand dollars.

For salary of Insurance Commissioner, six thousand dollars. Insurance Commissioner.

For salary of Deputy Insurance Commissioner, three thousand six hundred dollars.

For traveling and legal expenses of Deputy Insurance Commissioner, under provisions of sections five hundred and ninety-

five and six hundred and seventeen of the Political Code, three thousand dollars.

Railroad
Commissioners.

For salaries of Railroad Commissioners, twenty-four thousand dollars.

For salary of Secretary, Railroad Commissioners, four thousand eight hundred dollars.

For salary of Bailiff, Railroad Commissioners, two thousand four hundred dollars.

For office rent, Railroad Commissioners, two thousand and forty dollars.

For fuel, lights, postage, expressage, and incidental expenses, Railroad Commissioners, one thousand dollars.

For traveling expenses of Railroad Commissioners, and other persons in their employ, when traveling in the performance of official duties, five hundred dollars.

For salary of Stenographer for Railroad Commissioners, one thousand two hundred dollars.

State Board
of Equalization.

For salaries of members of the State Board of Equalization, twenty-four thousand dollars.

For salary of Clerk, State Board of Equalization, four thousand eight hundred dollars.

For pay of Porter, State Board of Equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, State Board of Equalization, five hundred dollars.

Capitol
employés.

For pay of employés of State Capitol building and grounds, fifty-four thousand three hundred and sixty dollars.

For salary of Special Policemen, Capitol grounds, seven thousand two hundred dollars.

Yosemite
Valley
Commissioners.

For care of Yosemite Valley, twenty thousand dollars.

For salary of Guardian of Yosemite Valley, three thousand dollars.

For care of Mariposa Big Tree Grove, five thousand dollars.

For traveling expenses of Yosemite Valley Commissioners, three thousand dollars.

Board of
Education.

For traveling expenses of State Board of Education, seven hundred dollars.

Asylums.

For the support of the Deaf, Dumb, and Blind Asylum at Berkeley, one hundred and seven thousand dollars.

For the support of Home of Adult Blind, fifty thousand dollars.

For support of Insane Asylum at Stockton, four hundred and fifteen thousand dollars.

For support of Insane Asylum at Napa, four hundred and eight thousand eight hundred dollars.

485- For the support of the Home for the Care of Feeble-Minded Children, eighty-five thousand dollars.

For the support of the Whittier Reform School, sixty thousand dollars.

For support and maintenance of Preston School of Industry, thirty thousand dollars.

For care and improvement of grounds at Preston School of Industry, seven thousand dollars.

Not approved

For the support of Insane Asylum at Agnews, two hundred and fifty thousand dollars. Asylums.

For care and improvement of grounds of Insane Asylum at Agnews, five thousand dollars.

For transportation of insane, thirty-five thousand dollars.

For support of State Prison at San Quentin, three hundred and twenty thousand dollars. Prisons.

For support of State Prison at Folsom, two hundred and forty thousand dollars.

For transportation of prisoners, forty thousand dollars.

For support of State Normal School at San José, eighty-one thousand five hundred dollars. Normal Schools.

For support of State Normal School at Los Angeles, forty-four thousand dollars.

For support of State Normal School at Chico, forty-one thousand dollars. 486

For use of Library at San José Normal School, two thousand dollars.

For care of grounds, State Normal School at San José, three thousand dollars.

For repairs to State Normal School at San José, four thousand dollars. - 477

For use of Library at Los Angeles Normal School, one thousand dollars.

For care and improvement of grounds, State Normal School at Los Angeles, two thousand dollars.

For use of library and museum, State Normal School at Chico, three thousand dollars.

For improvement of grounds, State Normal School at Chico, two thousand dollars.

For care of grounds, State Normal School at Chico, one thousand dollars.

For furniture, State Normal School at Chico, twelve hundred dollars.

For scientific apparatus, State Normal School at Chico, one thousand dollars.

For salary of Commissioner of Labor Statistics, six thousand dollars. Labor Bureau.

For salary of Deputy Commissioner of Labor Statistics, three thousand six hundred dollars.

For stationery and contingent expenses, Commissioner of Labor Statistics, one thousand dollars.

For office rent, Commissioner of Labor Statistics, one thousand two hundred dollars.

For salary of assistants, traveling and contingent expenses for office of Bureau of Labor Statistics, nine thousand dollars.

For support of Home for Soldiers' Widows and Orphans, and Army Nurses, fifteen thousand dollars. Home for Soldiers' Widows.

For uses of the State Board of Horticulture, twenty thousand dollars. Board of Horticulture.

For salary of Secretary to State Board of Horticulture, four thousand two hundred dollars.

Board of Horticulture.

For salary of clerk to Secretary to State Board of Horticulture, one thousand two hundred dollars.

For salary of clerk to Publishing and Quarantine Bureau of Horticulture, four thousand two hundred dollars.

Board of Viticulture.

For uses of the State Board of Viticulture, thirty thousand dollars.

Board of Forestry.

For uses of the State Board of Forestry, thirty thousand dollars.

Fish.

For the restoration and preservation of fish in the waters of the State, and stocking such waters with new varieties (of which not less than fifty per cent shall be expended in the support and maintenance of the State hatcheries), twenty thousand dollars.

For the payment of expenses and costs of the trials of persons charged with the violation of the laws for the preservation of fish, three thousand dollars.

Rewards.

For the payment of rewards offered by the Governor, five thousand dollars.

For payment of rewards for the arrest and conviction of highway robbers, five thousand dollars.

For arresting criminals without the State, five thousand dollars.

State Capitol grounds.

For water, State Capitol grounds, two thousand four hundred dollars.

For water for irrigation, purchase of hose, and contingent expenses of the State Capitol grounds, thirty-five hundred dollars.

Mining Bureau.

For the support of Mining Bureau, including salaries, fifty thousand dollars; sixty per cent of said sum to be expended for geological field work and scientific research.

For use of Trustees Mineral Cabinet, five hundred dollars.

Capitol building, etc.

For water to be used in the Capitol building, twelve hundred dollars.

For repairs to Capitol building and furniture, and purchase of carpets, thirty-five thousand dollars.

For stationery, supplies, fuel, and lights for Legislature and State officers, twenty thousand dollars.

For purchase of ballot paper, five thousand dollars.

For official advertising, two thousand dollars.

Hastings College.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars.

For rent of rooms for Hastings College of Law, two thousand four hundred dollars.

For care of State burial grounds, eight hundred dollars.

For salary of Guardian Marshall monument and grounds, one thousand two hundred dollars.

For pay of Presidential Electors, five hundred and fifty dollars.

State Agricultural Society.

For aid to State Agricultural Society, forty thousand dollars.

For aid to District Agricultural Society Number One, seven thousand dollars.

For aid to District Agricultural Society Number Two, seven thousand dollars.

For aid to District Agricultural Society Number Three, five thousand dollars.

District
Agricultural
Societies.

For aid to District Agricultural Society Number Four, six thousand dollars.

For aid to District Agricultural Society Number Five, six thousand dollars.

For aid to District Agricultural Society Number Six, six thousand dollars.

For aid to District Agricultural Society Number Seven, three thousand five hundred dollars.

For aid to District Agricultural Society Number Eight, four thousand dollars.

For aid to District Agricultural Society Number Nine, four thousand five hundred dollars.

For aid to District Agricultural Society Number Ten, four thousand five hundred dollars.

For aid to District Agricultural Society Number Eleven, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twelve, five thousand dollars.

For aid to District Agricultural Society Number Thirteen, six thousand dollars.

For aid to District Agricultural Society Number Fourteen, four thousand dollars.

For aid to District Agricultural Society Number Fifteen, five thousand dollars.

For aid to District Agricultural Society Number Sixteen, four thousand five hundred dollars.

For aid to District Agricultural Society Number Seventeen, four thousand dollars.

For aid to District Agricultural Society Number Eighteen, six thousand dollars.

For aid to District Agricultural Society Number Nineteen, five thousand dollars.

For aid to District Agricultural Society Number Twenty, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-one, five thousand dollars.

For aid to District Agricultural Society Number Twenty-two, four thousand dollars.

For aid to District Agricultural Society Number Twenty-three, three thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-four, three thousand dollars.

For aid to District Agricultural Society Number Twenty-five, five thousand dollars.

For aid to District Agricultural Society Number Twenty-six, six thousand dollars.

For aid to District Agricultural Society Number Twenty-seven, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-eight, four thousand five hundred dollars.

District
Agricultural
Societies.

For aid to District Agricultural Society Number Twenty-nine, three thousand dollars.

For aid to District Agricultural Society Number Thirty, four thousand dollars.

For aid to District Agricultural Society Number Thirty-one, four thousand dollars.

For aid to District Agricultural Society Number Thirty-two, three thousand dollars.

For aid to District Agricultural Society Number Thirty-three, three thousand dollars.

For aid to District Agricultural Society Number Thirty-four, four thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-five, five thousand dollars.

For aid to District Agricultural Society Number Thirty-six, thirty-five hundred dollars.

For aid to District Agricultural Society Number Thirty-seven, three thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-eight, four thousand dollars.

Provided, that no moneys appropriated for agricultural societies shall be drawn, paid, or used for racing or speed contests.

Citrus
Fairs.

For the purpose of holding Citrus Fairs, ten thousand dollars; the location, management, and control of said fairs, and the expenditure of said sum, to be under the direction of the Directors of the State Board of Agriculture, exempt from the provisions of section four of this Act.

Deficien-
cies.

The sum of fifteen hundred dollars is hereby appropriated, to be expended by the State Board of Examiners, to pay deficiencies that may arise in any of the departments of the State government, not to exceed one hundred dollars against any of the appropriations provided for in this Act.

How
money is to
be dis-
bursed.

SEC. 2. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they, respectively, belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the National Guard shall be audited by the Board of Military Auditors, as required by sections two thousand and ninety-three and two thousand and ninety-nine of the Political Code. No moneys appropriated for the support of institutions of the State shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the Commissioners or Directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employés, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Biennial
statement.

SEC. 3. The various State officers, and the officers of all institutions under the control of the State, except the Governor, to whom and for which appropriations other than salaries are made under the provisions of this Act, shall, with their bien-

nial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended; and the State Board of Examiners is hereby expressly prohibited from allowing any demands payable out of such appropriations, until the same are presented in itemized form, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expense thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of purchase; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this Act unless authorized thereto by law. Reports.

SEC. 4. Not more than one half of the respective appropriations made under this Act shall be expended during the forty-third fiscal year, unless the same has been expressly authorized in this Act.

SEC. 5. The officers of the various Departments, Boards, Commissions, and institutions for whose benefit and support appropriations are made in this Act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the State Board of Examiners be first obtained, and a certificate, in writing, duly signed by every member of said Board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said State Board of Examiners, nor paid out of any State appropriations; *provided*, that any member of any such Department, Board, Commission, or institution, who shall vote for any expenditure or create any indebtedness against the State in excess of the respective appropriations made by this Act, except by the unanimous consent of the State Board of Examiners, and the certificate in this section provided for be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any Court of competent jurisdiction by the person or persons, firm, or corporation to whom such indebtedness is owing. Deficiencies in appropriations not permitted.

Liable on official bonds.

SEC. 6. No money appropriated in this Act shall be used to renew or pay for the renewal of any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the State Printing Office and its contents.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, April 6, 1891.

This bill is approved, with the exception of the following items, to which I object, to wit: Amounts objected to by the Governor.
 For support and maintenance of Preston School of Industry, thirty thousand dollars. For care and improvement of grounds at Preston School of Industry, seven thousand dollars. These items are objected to and not approved for the reason that said sums cannot be utilized within the forty-third and forty-fourth fiscal years, and their appropriation at this time is unnecessary.
 For salaries of two deputies, State Librarian, seven thousand two hundred dollars. For salary of Porter, State Librarian, two thousand one hundred and

Objections
by the
Governor.

sixty dollars. These items are objected to and not approved for the reason that the Board of Trustees, at a meeting held on Saturday, April fourth, passed a resolution to the effect that the appropriation was not needed, owing to the financial condition of the Library Fund, and have officially notified me of the fact.

H. H. MARKHAM, Governor.

CHAPTER CCLXXI.

An Act to add a new section to the Political Code, to be numbered section two thousand six hundred and twenty-three, in relation to vacating public roads.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered two thousand six hundred and twenty-three, as follows:

Title to
roads.

2623. Any road laid out by the Board of Supervisors, as provided in this chapter, or used and worked as therein provided, shall not be vacated or cease to be a highway until so ordered by said Board; and each county shall be deemed to have acquired title to any road opened over any land in conformity to any order made by its Board of Supervisors, pursuant to this chapter, after one year shall have elapsed from the time of making the order opening the road.

CHAPTER CCLXXII.

An Act to amend section seven hundred and fifty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Clerk of the Supreme Court, and to appropriate money to pay the salary of additional deputy.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven hundred fifty-one of the Political Code is hereby amended to read as follows:

Deputy
Clerks of
Supreme
Court.

He may appoint six deputies, three to reside at San Francisco, two at Los Angeles, one at the State capital.

SEC. 2. The sum of four thousand and fifty dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salary of the additional deputy at Los Angeles, for the forty-second, and forty-third, and forty-fourth fiscal years.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCLXXIII.

An Act to amend section twenty-six hundred and eighty-two of the Political Code of the State of California, in relation to the character of petitions to be presented for the purpose of altering, laying out, or constructing, or discontinuing, or abandoning of any public highway.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two thousand six hundred and eighty-two of the Political Code of the State of California is hereby amended to read as follows: Road law.

2682. The petition must set forth the general route of the road to be abandoned, discontinued, altered, laid out, or constructed, and the names of the persons over whose land the same is to run, if known, and if not known, that fact must be stated. What petition to contain.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXIV.

An Act to amend section twenty-six hundred and eighty-eight of the Political Code of the State of California, concerning the hearing of the reports of viewers of public highways by Board of Supervisors, and the manner, time, and place of hearing such report, and the method of giving notice of such time and place to non-consenting land owners, and concerning damages to be awarded on such hearing.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six hundred and eighty-eight of the Political Code of the State of California is hereby amended to read as follows:

2688. The Board of Supervisors at the next meeting after the filing of the report, or at the time when the report is filed (if then in session), must fix a day for hearing the same; and must give notice to such non-consenting land owners of the time and place of such hearing, by publication for at least two successive weeks before such hearing in a newspaper, to be designated by the Board, published in the county; but if there be no newspaper published in the county, then by posting notices, one at a conspicuous place on the land, and one at the Hearing of report of viewers.

Court House, at least two weeks before such hearing. Said notice shall intelligibly describe the road to be abandoned, discontinued, altered, laid out, or constructed, and the lands over which the same is to run, and the names of the owners of such land when known, and if not known, that fact must be stated. The Board must, on the day fixed for the hearing, or to which it may be postponed or continued, hear the evidence offered by parties interested for or against the proposed alterations or new road; and must ascertain and by order declare the amount of damage awarded to each non-consenting land owner over whose land they shall order the road to be opened, whether known or unknown, and declare the report of the viewers to be approved or rejected, in whole or in part.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXV.

An Act to provide compensation to G. B. Montgomery for professional services rendered the State of California, at the request of the Attorney-General.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim of
G. B. Mont-
gomery.

SECTION 1. The sum of fifteen hundred (\$1,500) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay G. B. Montgomery for his services as attorney for the People in certain criminal prosecutions, entitled the People of the State of California vs. John T. Prewett; such service having been rendered in two trials of said cause, and at the request of the Attorney-General. And the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of said G. B. Montgomery for said sum, and the State Treasurer is hereby authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXVI.

An Act to amend section six, and to repeal section sixty-three, of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, relating to the appointment of receivers, and the care and disposition of the property of insolvent debtors, during the pendency of insolvency proceedings, and before the election of an assignee.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty, is hereby amended to read as follows:

Section 6. Upon receiving and filing such petition, schedule, and inventory, the Court shall make an order declaring the petitioner insolvent, and appointing the Sheriff of the county, or city and county, where said petition is filed, a receiver, to take charge and possession of all of the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers, books of account, and papers, and to keep and care for and dispose of the same until the appointment of an assignee; and thereupon and after such appointment, the oath, undertaking, and powers of such receiver shall, in all respects, be regulated by the general laws of the State applicable to receivers. Said order shall further forbid the payment of any debts, and the delivery of any property belonging to such debtor to him, or for his use, and the transfer of any property by him; and shall further appoint a time and place for the meeting of the creditors to prove their debts and choose one or more assignees of the estate, which shall not be less than thirty days after the making of said order, and shall designate a newspaper or newspapers of general circulation in which publication thereof shall be made. Upon the granting of said order, all proceedings against the said insolvent shall be stayed.

The Sheriff is hereby made receiver in insolvency proceedings.

SEC. 2. Section sixty-three of said Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXVII.

An Act for the relief of Agnes Lynch, widow of Hugh J. Lynch, for injuries received by said Lynch while in the service of the State, which caused his death.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim of
Agnes
Lynch.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Agnes Lynch, widow of Hugh J. Lynch, for injuries received by him, while in the service of the State at the State Prison of San Quentin, which caused his death.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of five thousand dollars in favor of said Agnes Lynch; *provided further*, that the direction herein to the Controller is exempted from the operations of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXVIII.

An Act making an appropriation to pay the deficiency in the appropriation for costs and expenses of suits, in which the State is a party in interest, for the forty-first fiscal year.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deficiency
in costs
and ex-
penses of
suits.

SECTION 1. The sum of ten thousand fifty-nine and forty one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for costs and expenses of suits, in which the State is a party in interest (as approved by the State Board of Examiners), for the forty-first fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXIX.

An Act for the relief of A. J. Bourn for personal injuries received by him while in the service of the State.

[Approved April 6, 1891.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand (\$10,000) dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of A. J. Bourn. hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of A. J. Bourn, a guard at the State Prison at San Quentin, in this State, for personal injuries, namely: the loss of his right arm while in the discharge of his duties, under the orders of his superior officer, and while in the service of the State of California.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said A. J. Bourn for said sum of ten thousand (\$10,000) dollars, and said State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXX.

An Act for the relief of John J. Conlin.

[Approved April 6, 1891.]

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 directed to order paid to John J. Conlin, or his assigns or legal representatives, the sum of fifty-four thousand and fifteen dollars and thirty-seven cents, said amount being the principal, together with all the interest thereon, that remains due and unpaid to the said John J. Conlin, on contracts entered into with the said John J. Conlin, by the Superintendent of Streets of the said city and county, for work done upon the public streets of said city and county, and for material furnished for the improvement of the said public streets; for which work done and material furnished he has not been able to obtain compensation, according to the mode and procedure in such cases made and provided by statute, by reason of errors, omissions, and irregularities of the municipal officers of the said city and county, in their official proceedings concerning such work and material furnished.

Direction to Board of Supervisors of San Francisco.

Duty of
Auditor
and Treas-
urer.

SEC. 2. The Auditor of said City and County of San Francisco is hereby authorized and directed to audit the said sum of money as above specified in section one, and to issue his warrant therefor to John J. Conlin, his assigns or legal representatives; thereupon, and upon presentation of the said warrant to the Treasurer of the City and County of San Francisco, the said Treasurer shall pay the said warrant as other indebtedness of the said City and County of San Francisco.

SEC. 3. This Act shall take effect immediately.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.



CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

Senate Joint Resolution No. 2.

Joint resolution, relative to the erecting of a gun factory at Benicia for finishing and assembling high power guns.

[Adopted January 27, 1891.]

WHEREAS, The Board of Army Officers appointed by the Secretary of War to inquire into the facilities for producing steel forgings for high power guns, at or near the Pacific Coast, and in the vicinity of Rock Island Arsenal, and in the vicinity of Indianapolis Arsenal, and at some point on or near the Gulf Coast, and the advisability of erecting gun factories for finishing and assembling high power guns, to be mounted in fortifications at or near the places above named, have made a unanimous report, recommending the erection of such a gun factory at Benicia; and whereas, said report is now before the Congress of the United States for approval, and for the necessary appropriation to carry into effect the recommendations made by the said Board in said report; and whereas, the defenseless condition of the Pacific Coast, and the impracticability of supplying the guns needed for its defense from the gun factory in the State of New York, the only factory in the United States having capacity to manufacture such guns, demand prompt action on the part of the Government to meet this emergency; therefore, be it

Preamble.

Resolved by the Senate of California, the Assembly concurring, That the Congress of the United States be and it is hereby requested to approve the report of said Board of Army Officers, and to make the necessary appropriations for the erecting of a gun factory at Benicia for the manufacture of high power guns at the earliest day practicable; and it is further

Appropriating money for gun factory at Benicia.

Resolved, That his Excellency the Governor of the State of California be requested to send a certified copy of this resolution to each one of the California Senators and Representatives in Congress.

CHAPTER II.

Assembly Joint Resolution No. 1, relating to a public building at Eureka.

[Adopted February 4, 1891.]

Preamble. WHEREAS, At the city of Eureka, in the State of California, are located a United States Land Office, a United States Custom House, and a United States Post Office; and whereas, each of said public offices is located in a building not the property of the United States, notwithstanding the fact that these offices are now doing a large and constantly increasing business; therefore, be it

Public building at Eureka. *Resolved by the Assembly of the State of California, the Senate thereof concurring,* That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the passage of a bill by Congress appropriating a sufficient amount of money to erect a suitable public building at Eureka, California, to accommodate the business of the various public offices hereinbefore named; and be it

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress, from this State, a copy of these resolutions.

CHAPTER III.

Assembly Joint Resolution No. 5, relative to the erecting of a gun factory at Benicia, for finishing and assembling high power guns.

[Adopted February 5, 1891.]

Preamble. WHEREAS, The Board of Army Officers appointed by the Secretary of War to inquire into the facilities for producing steel forgings for high power guns, at or near the Pacific Coast, and in the vicinity of Rock Island Arsenal, and in the vicinity of Indianapolis Arsenal, and at some point on or near the Gulf Coast, and the advisability of erecting gun factories for finishing and assembling high power guns, to be mounted in fortifications at or near the place above named, have made a unanimous report recommending the erection of such a gun factory at Benicia; and whereas, said report is now before the Congress of the United States for approval, and for the necessary appropriation to carry into effect the recommendations made by the said Board in said report; and whereas, the defenseless condition of the Pacific Coast, and the impracticability of supplying the guns needed for its defense from the gun factory in the State of New York, the only factory in the United States having capacity to manufacture such guns, demand prompt action on the part of the Government to meet this emergency; therefore, be it

Resolved by the Assembly of California, the Senate concurring, That the Congress of the United States be and it is hereby requested to approve the report of said Board of Army Officers, and to make the necessary appropriations for the erecting of a gun factory at Benicia, for the manufacture of high power guns, at the earliest day practicable; and it is further

Appropriation for gun factory at Benicia.

Resolved, That his Excellency the Governor of the State of California be requested to send a certified copy of this resolution to each one of the California Senators and Representatives in Congress.

CHAPTER IV.

Assembly Joint Resolution No. 4, relating to the improvement of Humboldt Bar.

[Adopted February 10, 1891.]

WHEREAS, The Government improvements now under way at Humboldt Bar, California, designed to afford a deep and safe entrance to Humboldt Bay, are progressing too slowly to be of any immediate benefit, and unless a large amount shall be appropriated and immediately expended thereupon, the work already done is likely to be very much diminished in value; and whereas, the great and growing interests of Northern California imperatively demand that the improvements to Humboldt Bar shall no longer be delayed, but that such improvements be carried forward on a more energetic plan, and pushed to an early completion; now, therefore, be it

Preamble.

Resolved by the Assembly of the State of California, the Senate concurring, That the Senators in Congress from this State are instructed, and the Representatives requested, to use their utmost endeavors to obtain a larger appropriation for, and authority for more energetic and expeditious work on, the Government improvements to Humboldt Bar; and be it

Appropriation for Humboldt Bar.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER V.

Senate Joint Resolution No. 8, memorializing Congress to loan money to farmers, and to charge interest therefor at the rate of two per cent per annum.

[Adopted February 11, 1891.]

WHEREAS, It has been the policy of the wisest men of all times and countries to encourage and protect the industry of farming; and whereas, on the prosperity and success of farming

Preamble.

depends the welfare of every other American industry and enterprise; and whereas, under the present condition of affairs it is impossible to extend to farming the same protection that is given to other industries by the American system of import duties; and whereas, the circulating medium of the United States is insufficient to supply the demands of commerce and trade; therefore, be it

Loan of
money to
farmers.

Resolved by the Senate of the State of California, the Assembly concurring, That the Congress of the United States be and is hereby requested to make the necessary laws whereby any person owning and cultivating lands within the boundaries of the United States can borrow money, to the amount of sixty per cent of the value of such lands, from the Government of the United States, by paying two per cent interest per annum and mortgaging said lands as security for said loans; that no individual company or corporation shall be allowed to borrow on said securities a sum greater than five thousand dollars; *and be it further provided,* that no money shall be loaned to any person owning more than six hundred and forty acres.

Resolved, That a copy of this memorial be transmitted by the Governor of the State to each of our Representatives in Congress, and that they be requested to use all honorable endeavors to obtain such laws.

CHAPTER VI.

Assembly Joint Resolution No. 8, authorizing and directing the State Printer to deliver ten copies of every work published or printed in the State Printing Office to the State Librarian; also, two copies to the Librarian of the State University.

[Adopted February 12, 1891.]

Ten copies
of all pub-
lications
to State
Library.

Resolved by the Assembly, the Senate concurring, That the State Printer be and he is hereby authorized and directed to deliver to the State Librarian ten copies of all State publications printed in the State Printing Office; also, two copies of the same to the Librarian of the State University—one half of which shall be bound in cloth or leather.

CHAPTER VII.

Assembly Joint Resolution No. 7, relative to irrigation and construction of reservoirs by the United States Government.

[Adopted February 17, 1891.]

Preamble. WHEREAS, Large sums of money have been and are from time to time being appropriated by the National Government for the purpose of survey and location of reservoirs in various

parts of the United States; and whereas, the State of California has received but little benefit from such appropriations, the great bulk of the amounts heretofore appropriated for such purposes having been spent in other localities; and whereas, in a large portion of the State of California water for irrigating purposes is an absolute necessity to render productive lands which are fertile but arid; and whereas, in the Sierra Nevada and Coast Range Mountains there exist numerous sites of great natural excellence, large capacity, and inexhaustible source of supply, which can, at relatively small cost, be utilized for the impounding of vast bodies of water during the early summer from the melting snows, and thus husbanded for use on the arid plains during the rainless season which follows, thereby creating abundance and certainty of production where now scarcity and uncertainty largely prevail, and thus adding millions of wealth and thousands of population to the State and nation; therefore, be it

Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be instructed to present to Congress the request of this legislative body for an appropriation of two millions of dollars, to be used in the location and construction of such reservoirs, and further instructed to endeavor to induce early and favorable action hereon by Congress; and be it

Appropriation of \$2,000,000 for reservoirs.

Resolved, That his Excellency the Governor be requested to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

CHAPTER VIII.

Senate Joint Resolution No. 19, relative to reinstating troops at Fort Bidwell, California.

[Adopted February 18, 1891.]

WHEREAS, Within the past year the War Department at Washington has seen fit to cause the removal of the United States troops from Fort Bidwell, California; and whereas, such removal of troops has left a large portion of Northern California and the adjacent counties of Oregon and Nevada, over which roam large bands of restless and warlike Indians, without military protections to the people of that large territory; therefore, be it

Preamble.

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators be instructed, and our Representatives in Congress be requested, to use their utmost diligence in having the recommendations of the Special Inspectors sent out by the War and Interior Departments to investigate the necessity of military protection at Fort Bidwell, California,

Military protection at Fort Bidwell.

promptly carried out, together with the recommendations for the relief of the Pitt River and Piute Indians.

Resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions by telegraph.

CHAPTER IX.

Assembly Joint Resolution No. 16, relative to the reserving a reasonable amount of the grazing land of the Round Valley Indian Reservation, for the use of the Indians of said reservation.

[Adopted February 18, 1891.]

Preamble. *Resolved by the Assembly of the State of California, the Senate concurring*, That whereas, the Congress of the United States has passed a law at the present session of Congress providing for the allotment in severalty of the valley land to the Indians of the Round Valley Indian Reservation, in Mendocino County, California, and providing for the reserving of a reasonable amount of the grazing lands for the use of said Indians, amounting to twelve or fifteen thousand acres, or thereabouts, and providing for the appointment of a Commission for the faithful execution of the provisions of said Act; and whereas, said Commission, in violation of the provisions of said Act, intend to reserve and set aside an unreasonable amount of the grazing lands of said reservation, and a very much larger amount than is necessary for the use of said Indians; and whereas, the Indians have a large body of fine farming land, one half or more of which they do not use, and as the Indians are rapidly decreasing in number, and they themselves have emphatically expressed a determination not to settle on lands outside of the valley, and desire only a small portion of the grazing lands reserved; and whereas, the reserving of the large and unreasonable amount of the grazing lands, as contemplated by the Commission, would be greatly in excess of what is actually required, and would be disastrous to the community and against the interests of the county and the State at large; now, therefore, be it

Resolved, That the people of the State of California direct their Senators, and request their Representatives in Congress, to wait upon the President of the United States and the Secretary of the Interior, and protest against the reserving for the Indians of the Round Valley Indian Reservation at Mendocino County, California, more than twelve or fifteen thousand acres of the grazing land, in addition to the valley land of said reservation; be it further

Resolved, That this joint resolution be communicated by the Governor by telegraph to the Senators and Representatives of California at Washington.

A protest
against
reserving
lands to
Indians.

CHAPTER X.

Senate Joint Resolution No. 18, relative to Nicaragua Canal.

[Adopted February 25, 1891.]

WHEREAS, The Committee on Foreign Relations of the United States Senate has unanimously recommended a bill for the economical construction of the Nicaragua Canal, under conditions which will secure its control to the United States Government, with a guarantee of moderate tolls for freight and passenger traffic, and securing to the people of the United States important political and commercial advantages; and whereas, the completion of this interoceanic highway will be of great benefit to the producers, land owners, and merchants of the Pacific Coast.

Resolved, That the Legislature of the State of California respectfully urges upon the Congress of the United States the necessity for immediate and favorable action upon the bill securing the prompt construction of the Nicaragua Canal, under conservative conditions as to its cost, management, and control, for the benefit of the United States Government and of all American citizens.

Resolved, That attested copies of these joint resolutions be forwarded to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, and that a copy thereof be filed with the honorable Secretary of State of the United States, at the National Capitol.

CHAPTER XI.

Assembly Constitutional Amendment No. 7.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section eighteen of article eleven thereof, relative to the increasing of indebtedness or liability by any county, city, town, township, Board of Education, or school district.

[Adopted February 25, 1891.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, A. D. eighteen hundred and ninety-one, two thirds of all the members elected to each House concurring, hereby proposes that section eighteen of article eleven of the Constitution of said State be amended so as to read as follows:

Under what conditions a city or town indebtedness can be incurred.

Section 18. No county, city, town, township, Board of Education, or school district shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

CHAPTER XII.

Senate Joint Resolution No. 1, relative to United States Senate Bill No. 8150.

[Adopted February 27, 1891.]

Preamble. WHEREAS, There is now pending in Congress a bill known as Senate bill number eight thousand one hundred and fifty, providing for the creation of a Court to adjudicate and determine the claims of citizens who have sustained damages by reason of Indian depredations committed in this and in many other States of the Pacific Coast; and whereas, we regard the payment of such claims but an act of justice to our citizens, and that such bill is a proper measure for the relief of persons so damaged; be it

Urging passage of Indian claims bill.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to make a strenuous and earnest endeavor to secure the immediate passage and approval of said Senate bill; and be it further

Resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER XIII.

Senate Joint Resolution No. 4, relative to the abolishment of the duty on grain bags, burlaps, gunnys, or gunny cloth.

[Adopted February 27, 1891.]

WHEREAS, The farmers of the Pacific Coast use about thirty-five million grain bags each year; and whereas, of that number only five million are of local manufacture, and do not affect the price of the imported sack; and whereas, the tax upon the materials of which these sacks are made is almost entirely collected on the Pacific Coast; and whereas, the tariff tax imposed upon grain bags has not increased the amount of local product, has not increased the number of white laborers employed in such industry, has not increased the wages of any employé, but has only resulted in an increase of the cost of the article to the consumer; therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress be requested to use all honorable means to have the duty on grain bags, burlaps, gunnys, or gunny cloth, abolished. Duty on grain bags.

Resolved, That the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

CHAPTER XIV.

Senate Joint Resolution No. 7, relative to coast defense.

[Adopted February 27, 1891.]

WHEREAS, The Pacific Coast of the United States and the harbors of the same, more particularly the harbor of San Francisco, are totally unprovided with means of defense against maritime attack from any foreign power possessing a modern cruiser armed with long range ordnance; and whereas, such a condition is inconsistent with patriotic duty and ordinary prudence; therefore, be it Preamble.

Resolved, That the Legislature of California respectfully, but most implicitly, urge upon the National Government the great importance of immediate legislation, looking to the defense and protection of the city and harbor of San Francisco. Defense of San Francisco.

Resolved, That copies of the foregoing concurrent resolution be forwarded to the Senate and House of Representatives in Congress assembled.

CHAPTER XV.

Senate Joint Resolution No. 15, relative to the prevention of the importation of opium.

[Adopted February 27, 1891.]

Preamble. WHEREAS, By the statistics kindly furnished by the Hon. T. G. Phelps, Collector of the Port of San Francisco, it appears that during the eleven years ending on the thirty-first day of December last, there was imported into the United States, through the Custom House at San Francisco, nine hundred and twenty-one thousand seven hundred and ninety-eight pounds of prepared opium, and three hundred and eighty-four thousand five hundred and seventy-nine pounds of crude opium, besides which, during the same period, there was seized in San Francisco twenty thousand six hundred and twenty-six and three fourths pounds of prepared opium and one thousand and fifty pounds of crude opium, which had been smuggled into the country, making a grand total brought into the country at the port of San Francisco alone, during the said period of eleven years, of one million three hundred and twenty-eight thousand and fifty-three and three fourths pounds; and whereas, it is well known that there are in the city of Victoria, B. C., a large number of factories where prepared opium is made, and smuggled thence into the United States across our northern boundary, and through all the ports of Puget Sound, in large quantities, thus greatly increasing the amount of this drug imported into this country over and above the amount shown by the returns from our Custom Houses; and whereas, it appears from the reports of our State Prison authorities that the use of opium is the cause of upwards of forty per cent of the commission of crime for which convicts are committed to our State Prisons; and whereas, the effects of the use of this drug are far reaching and debasing, injurious and pernicious in the extreme, and exerts an influence more degrading and irresistible than any other vicious habit known to the human race, and has already become so prevalent as to arouse the greatest apprehensions on the part of all good citizens; and whereas, the welfare and preservation of our people, and the maintenance of our moral, physical, and intellectual status as a race, imperatively demands that steps shall at once be taken to check this monstrous evil before it has become interwoven with trade, and American capital has become largely invested in the traffic; now, therefore, be it

Congress asked to prohibit the importation of opium.

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be urgently requested and our Senators instructed to use all honorable means to secure the passage of an enactment by Congress which shall absolutely prohibit the importation and sale of prepared opium, under heavy penalties, and provide for its destruction whenever and

wherever found in the United States, and which shall restrict the importation of crude opium to such limited quantity as may be necessary for medicinal purposes only, and regulate the sale thereof, and to so frame the law that the stringent enforcement of its provisions can be effected.

Resolved, That his Excellency the Governor be requested to furnish a copy of these resolutions to our Senators and Representatives in Congress.

CHAPTER XVI.

Assembly Joint Resolution No. 10, relating to the fostering of American shipping.

[Adopted February 28, 1891.]

WHEREAS, The honorable House of Representatives has now Preamble.
under consideration the enactment of legislation for the protection of American shipping in the foreign trade, and for the ocean transportation of United States mails in American steamships; and whereas, an American merchant marine is of great importance to our country, as a source of wealth in time of peace, and will furnish seamen to man our navy in time of war; therefore, be it

Resolved by the Assembly of the State of California, the Senate Protection
of mer-
chant
marine.
concurring, We respectfully request Congress to enact the provisions for the protection and promotion of our merchant marine until the American flag shall be again floated by the peaceful carriers of commerce on every sea, and the United States mails transported to all quarters of the globe on American steamships.

Resolved, That attested copies of these resolutions be forwarded to both Houses of Congress now in session, and filed with the honorable Secretary of State of the United States, at Washington, D. C.

CHAPTER XVII.

Assembly Joint Resolution No. 3, relative to foreign immigration to the United States.

[Adopted March 3, 1891.]

WHEREAS, The State of California looks with alarm upon the Preamble.
unrestricted immigration of the illiterate and unassimilative classes of Europe to the United States; and whereas, it is plain to the intelligence of the whole nation that every legitimate agency should be invoked to preserve our public lands from alien ownership, to shield American labor from destructive competition, and to protect our political institutions from the corrupting influences of the dangerous and disturbing elements that come from abroad; now, therefore, be it

Urging
Congress
to restrict
immigra-
tion

Resolved by the Assembly of the State of California, the Senate concurring, That we instruct our Senators and request our Representatives in Congress from this State to introduce and advocate such measures of national legislation as will effectually put a stop to undesirable immigration to the United States, and at the same time preserve our public lands, and the power of our suffrages, to those who are justly entitled to them by reason of intelligent interests and love of country; and be it

Resolved, That the Governor be requested to transmit, by telegram, to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER XVIII.

Senate Constitutional Amendment No. 11.

A resolution to propose an amendment to section fifteen (15) and nineteen (19), article five (5), of the Constitution.

[Adopted March 3, 1891.]

Preamble. *Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, at its twenty-ninth session, commencing January fifth, eighteen hundred and ninety-one, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections fifteen (15) and nineteen (19), article five (5) of the Constitution of the State of California, be amended so as to read as follows:

Providing
for election
of Lieu-
tenant-
Governor.

Duties of
Lieu-
tenant-Gov-
ernor.

Section 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. He shall also, when the Senate is not in session, visit all the State institutions, prisons, reformatory schools, asylums, and other institutions, supported in whole or in part by the State, and make careful examinations of the manner in which the appropriations for the support of such institutions, and for permanent improvements, have been expended, and report the result of his examinations to the Governor, to the Legislature, and to any other officer, or Board of officers, that the Legislature may direct; *provided,* that in case of the office of the Lieutenant-Governor becoming vacant, or in the case of the functions of Governor devolving upon him, the President pro tem. of the Senate, or his successor, shall perform the duties and receive the emoluments of said Lieutenant-Governor, during the term of such vacancy, or the time he is performing such functions of Governor. The Legislature may by law prescribe the time and manner that such examinations shall be made. If, during a vacancy of the office of Governor,

the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tem. of the Senate shall act as Governor until the vacancy be filled or disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

Vacancy
in office.

Section 19. Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, shall, at stated times during the continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand (\$6,000) dollars per annum; the Attorney-General, three thousand (\$3,000) dollars per annum; the Secretary of State, Controller, Treasurer, three thousand (\$3,000) dollars each per annum; Surveyor-General, three thousand (\$3,000) dollars per annum, and for the following officer for the fractional term and for the two terms next ensuing the fourth day of November, A. D. eighteen hundred and ninety-two, as follows: Lieutenant-Governor, four thousand (\$4,000) dollars per annum, and traveling expenses when he may be employed in visiting and examining State institutions. Such compensation to be in full for all services by them, respectively, rendered, in any official capacity or employment whatsoever, during their respective terms of office; *provided, however*, that the Legislature, after the expiration of their terms hereinbefore mentioned, may, by law, diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. The Legislature may, in its discretion, abolish the office of Surveyor-General, and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Salaries.

CHAPTER XIX.

Senate Joint Resolution No. 26, relative to the passage of the Conger Lard Bill by Congress.

[Adopted March 3, 1891.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed to use their best endeavors to secure the passage in the Senate of the Conger Lard Bill, which has already passed the House of Representatives, and to secure its approval by the President.

Conger
Lard Bill.

Resolved, That his Excellency the Governor be requested to immediately transmit, by telegraph, the foregoing resolution to our Senators in Congress.

CHAPTER XX.

Assembly Joint Resolution No. 18, relative to the appointment of a horticulturist of this State to position of Chief of the Department of Horticulture at the World's Columbian Exposition at Chicago.

[Adopted March 6, 1891.]

Preamble. WHEREAS, California will be prominently represented at the World's Columbian Exposition to be held in Chicago in eighteen hundred and ninety-three; and whereas, California holds preëminently the leading position in the American field of horticulture; therefore, be it

Chief of Horticulture.

Resolved by the Assembly of California, the Senate concurring, That Director-General Davis, of the World's Columbian Exposition, be requested to appoint a horticulturist of this State to the position of Chief of the Department of Horticulture of said Exposition.

CHAPTER XXI.

Assembly Concurrent Resolution No. 4, relative to extending an invitation to the President of the United States to visit the State of California.

[Adopted March 11, 1891.]

Preamble. *Resolved by the Assembly of the State of California, the Senate concurring,* That whereas, the report has been published that the President of the United States contemplates a visit to the Pacific Coast during the present year; and whereas, it would give unqualified pleasure to the people of the State of California if the President should visit this State, and see with his own eyes its beauty and fertility, its present greatness and future possibilities; therefore, be it

Invitation to President.

Resolved, That the Legislature of the State of California does hereby extend a cordial invitation to the President of the United States to visit the State during the present year.

Resolved, That a certified copy of this joint resolution be transmitted by the Governor to the President at Washington.

CHAPTER XXII.

Assembly Constitutional Amendment No. 5.

A resolution to propose to the people of the State of California an amendment to section thirty-four of article four of the Constitution of the State of California.

[Adopted March 11, 1891.]

The Legislature of the State of California, at its twenty-ninth session, commencing on the fifth day of January, Anno Domini one thousand eight hundred and ninety-one, two thirds of all the members elected to each House of said Legislature voting in favor thereof, hereby propose that section thirty-four (34) of article four of the Constitution of the State of California be amended so as to read as follows: Preamble.

Section 34. No bill making an appropriation for money, except the general appropriation bill, and the deficiency bill for the appropriation of money exclusively devoted to the support of the General Government and State institutions, shall contain more than one appropriation, and that for a single and certain purpose to be therein expressed. When the deficiency bill is presented to the Governor, he may object to one or more items, while approving other portions of the bill. No officer of the State shall have power to incur any deficiency except in case of actual necessity, and then only upon the written authority, first obtained, of the Governor, Secretary of State, and Attorney-General. Any deficiency incurred in violation of this provision shall be void, and the Legislature shall not have the power to appropriate money to pay the same. Single appropriations in each bill.

CHAPTER XXIII.

Senate Joint Resolution No. 17, relative to the mining industry in California.

[Adopted March 18, 1891.]

WHEREAS, The great volume of domestic and foreign commerce, the rapid increase of production in all branches of agriculture and of manufacturing, demand a greater amount of currency to transact the business of California, the United States, and of the civilized nations; and whereas, the United States has sold to its citizens in California certain mineral lands, from which more than a billion and a half of gold has been extracted, and from which many hundred millions more could be taken; and whereas, by recent decisions of the State and Federal Courts, many hundreds of gold-producing mines in California have ceased to operate, and the development of Preamble.

Preamble.

many more has been prevented, thus reducing the gold product at least eight million dollars per year (\$8,000,000), and the population in the mining counties more than fifty thousand below what it would have been without restraints upon mining; and whereas, the present Governor of California, in his inaugural address, expressed himself, with reference to the mining industry, in language as follows, to wit: "One important branch of our industries, that of hydraulic mining, is at a standstill, and will never be revived, unless vigorous steps be taken by the General Government. Congress and the Courts have placed the strong and powerful arm of the law upon this industry, and crushed it out of existence. I need not repeat its history, for it is familiar to all of you and to the people of the State. No relief could be expected from the General Government, were the workings of these mines beneficial to the interests of the State alone. It was from the gold fields of California, however, that the millions were taken that assisted this nation so materially in her greatest financial peril. These same gold fields have yielded the enormous amount of nearly a billion and a half of the precious metal, thereby replenishing the Treasury of the United States with that needed medium of exchange. It is said that it will be difficult, if not impossible, to devise means whereby the gold can be extracted in paying quantities without harm to the farm owners in the valleys, or injury to the navigation of certain streams. If that be true, it should be avoided. But I have such confidence in the combined wisdom of the sixty-six millions of people in this country, that I feel safe in saying that if an earnest effort were made on the part of the General Government for that purpose, the result would be accompanied with a profit to the whole country. In my judgment, no industry would more richly repay a reasonable outlay on the part of the Government than this. I suggest, therefore, that the subject be thoroughly agitated, Congress memorialized, and our Senators and Representatives urged to take all necessary steps to bring the matter properly before Congress at the earliest moment possible. Congress properly expends thousands of dollars every year in experiments and investigations which, in the opinion of its members, will promote the public interests of the country. For instance, a special committee has been created on irrigation of arid lands, and a liberal appropriation is annually made for the purpose of studying the subject. The most thoroughly qualified men of the age are employed for this work, and all the means that science and skill can evolve are brought into requisition in solving the problems. Many other instances, familiar to all, of the liberal action of the Government, could be cited. Why should not Congress treat this question in a similar manner, and assist in a solution of the difficulties surrounding the production of gold? It is a matter of national interest, for this metal is accepted by all men as a medium of exchange. Within the borders of California, millions upon millions of gold are locked up in the bowels of the earth, awaiting the

genius of man to devise some feasible method of release, and I urge you to take the initiative in obtaining the assistance of the Federal Government." Therefore, be it

Resolved by the Senate of California, the Assembly concurring, That we earnestly, but most respectfully, request Congress to pass a law authorizing the Secretary of War to appoint a competent Board of Engineers, to consist of three or five members, as may be deemed best, whose duty it shall be to investigate the mines or mining districts of this State; said Commission to have the further power of devising and executing plans whereby mining, in all its branches, may be carried on without injury to agricultural lands and the navigable streams of the State. And to the accomplishment of this end we ask Congress to appropriate one million dollars, believing, as we do, that the Government will be repaid many fold for such action.

Congress memorialized to investigate the mines and mining districts of this State.

Resolved, That a copy of this preamble and resolution be forwarded to our Senators and Representatives in Congress, by the Governor, under the seal of the State.

CHAPTER XXIV.

Senate Constitutional Amendment No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section eight of article eleven thereof, relative to the framing and adoption of charters by cities containing more than thirty-five hundred inhabitants.

[Adopted March 19, 1891.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, A. D. eighteen hundred and ninety-one, two thirds of all the members elected to each House concurring, hereby proposes that section eight of article eleven of the Constitution of said State be amended so as to read as follows:

Preamble.

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed, in duplicate, by the members of such Board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for

What cities may frame charters.

What cities
may frame
charters.

at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made, in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature, as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

CHAPTER XXV.

Assembly Joint Resolution No. 17, relating to the compensation of the enumerators who took the population of the State of California for the eleventh census of the United States.

[Adopted March 21, 1891.]

Preamble. WHEREAS, By the terms of an Act passed by the Congress of the United States entitled "An Act to provide for taking the eleventh and subsequent censuses," approved March first, eighteen hundred and eighty-nine, it was the evident intention of Congress to adequately compensate the enumerators

appointed in pursuance of the said Act; and whereas, it has come to the knowledge of the Legislature of the State of California that the said enumerators for the State of California have, in many instances, received for their services the most meager compensation, and in some instances have performed their labor at an actual loss; and whereas, said enumerators were subject to a penal liability if they failed to perform their duties as by the said Act provided; and whereas, justice demands that the United States discharge her obligations as becomes a great nation; therefore, be it

Preamble.

Resolved by the Assembly of the State of California, the Senate concurring, That Congress be requested to pass an Act adequately compensating the enumerators for the State of California under the eleventh census.

Adequate compensation for census enumerators.

Resolved, That the Governor of the State of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, one to the Secretary of the Interior, and one to the Superintendent of the Census.

CHAPTER XXVI.

Assembly Joint Resolution No. 12, relative to removing Chinese patients from insane asylums.

[Adopted March 21, 1891.]

Resolved by the Legislature of the State of California, the Assembly and Senate concurring, as follows:

WHEREAS, There are more than one hundred and thirty Chinese patients in the several asylums for the insane in this State, none of whom are citizens, who are being maintained at an annual expense of over twenty thousand dollars; and whereas, it is declared and understood that the Imperial Government of China, acting under its well known paternal policy, is willing and desires to take these afflicted people back to their own country and provide for their wants; and whereas, the matter of communicating with the Imperial Government of China on the subject belongs to the State Department of the Federal Government; therefore, be it

Preamble.

Resolved, That the President be requested to enter into correspondence with the Imperial Government of China, to the end that all Chinese patients now in the insane asylums of this State, who are not citizens of the United States, may be removed to their own country; and be it further

President requested to correspond with Chinese Government.

Resolved, That the Governor be requested to transmit a copy of this joint resolution to the President, and a copy thereof to each of our Senators and Representatives in Congress.

CHAPTER XXVII.

Senate Concurrent Resolution No. 6, relative to requesting the Governor to forward each member of the Legislature two bound volumes of State Engineer's reports.

[Adopted March 24, 1891.]

Supplying
the Legis-
lature with
State
Engineer's
reports.

Resolved, the Senate and Assembly concurring, That the Governor be and is hereby requested and authorized to forward to each member of the Legislature, after adjournment, two bound volumes of the past and present State Engineer's Reports, with the accompanying maps.

CHAPTER XXVIII.

Senate Concurrent Resolution No. 7, relative to notifying the Governor of the election of Chas. N. Felton to the Senate of the United States.

[Adopted March 24, 1891.]

Notifying
the Govern-
or of election
of C. N.
Felton.

Resolved by the Senate, the Assembly concurring, That the Secretary of the Senate and the Clerk of the Assembly be and they are hereby directed to inform the Governor of the State of California of the election of Honorable Charles N. Felton to the Senate of the United States, as United States Senator to Congress from the State of California, for the unexpired term of the late Senator George Hearst.

CHAPTER XXIX.

Senate Joint Resolution No. 27, relative to surveying and establishing the eastern boundary line of the State of California.

[Adopted March 24, 1891.]

Preamble. WHEREAS, Pursuant to an Act of the Legislature of the State of California, approved February twenty-sixth, eighteen hundred and eighty-nine, a survey has been made by State authority of so much of the eastern boundary of the State of California southeastward from the intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude, west of Greenwich; and whereas, said survey has been made, and the Surveyor-General of this State has made a report thereof to the Legislature of this State, as in said Act provided, and said report shows that said boundary line as at present supposed to exist is wrong, and should be corrected; and whereas, it is necessary that action in this matter should be taken by the United States.

Resolved by the Senate and Assembly of California, That the California delegation in Congress be and they are hereby requested to take such action as will secure the correct establishment of said line. Action regarding boundary of State.

Resolved, That the Governor of this State forward to each member of the California delegation a copy of this resolution.

CHAPTER XXX.

Senate Concurrent Resolution No. 9, relating to authorizing the Governor to receive moneys levied by the direct tax levied by Congress.

[Adopted March 25, 1891.]

Resolved by the Senate, the Assembly concurring, That the State of California does hereby accept the sum appropriated and the trust imposed by an Act of Congress entitled "An Act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the Act of Congress, approved August fifth, A. D. eighteen hundred and sixty-one," in full satisfaction of claims against the United States on account of the levy and collection of said tax, and does hereby authorize the Governor to receive the said money for the use and purposes aforesaid, and receipt therefor; and said money, when so received, shall be by the Governor paid into the State Treasury and shall be credited to the General Fund. Governor authorized to receive moneys collected under direct tax law.

Resolved, That his Excellency the Governor be requested to furnish to the honorable the Secretary of the Treasury of the United States a copy of these resolutions, duly certified and attested by the Secretary of State under the great seal of the State of California.