

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

TWENTY-FIFTH SESSION OF THE LEGISLATURE,

1883.

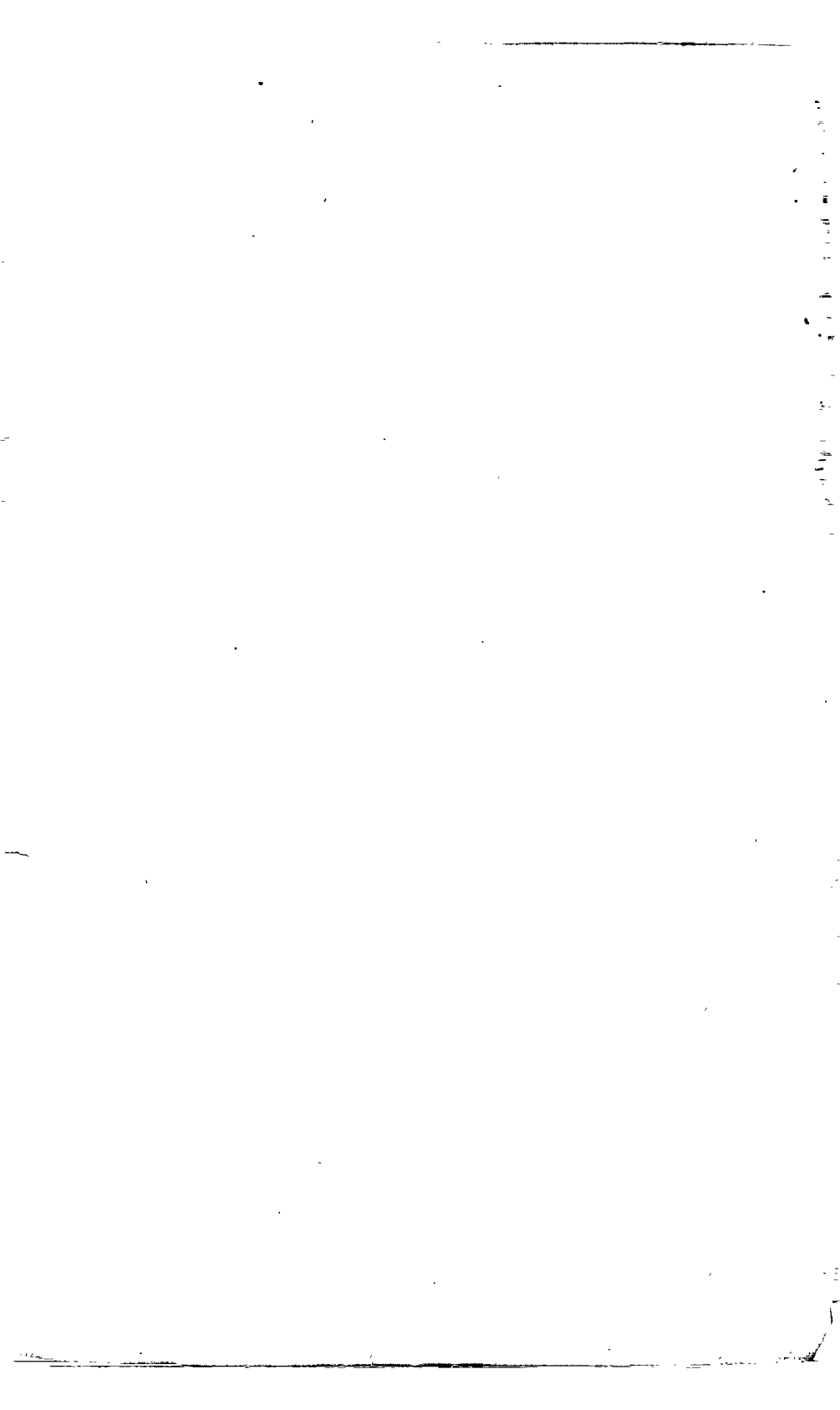
BEGAN ON MONDAY, JANUARY EIGHTH, AND ENDED ON TUESDAY, MARCH
THIRTEENTH, EIGHTEEN HUNDRED AND EIGHTY-THREE.



SACRAMENTO:

STATE OFFICE . . . JAMES J. AYERS, SUPT. STATE PRINTING.

1883.



CONTENTS.

STATUTES OF CALIFORNIA.

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
1	An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June 30, 1883—approved January 30, 1883-----	A. B. 151-----	1
2	An Act to repeal Sections 299, 300, and 301 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday—approved February 8, 1883-----	S. B. 1-----	1
3	An Act to amend the Constitution—approved February 8, 1883-----	S. B. 10-----	2
4	An Act to amend Sections 3467 and 3469 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors—approved February 15, 1883-----	S. B. 14-----	2
5	An Act to amend Section 2282 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a Trustee may be discharged from his trust—approved February 15, 1883-----	S. B. 16-----	3
6	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage—approved February 15, 1883-----	S. B. 31-----	3
7	An Act to amend Section 326 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders—approved February 16, 1883-----	S. B. 12-----	4
8	An Act to provide a contingent fund for the Assembly for the twenty-fifth session of the Legislature—approved February 16, 1883-----	A. B. 447-----	5
9	An Act to provide a contingent fund for the Senate for the twenty-fifth session of the Legislature—approved February 17, 1883-----	S. B. 330-----	5
10	An Act to repeal chapter two, of title six, part three, of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways—approved February 28, 1883-----	A. B. 1-----	5
11	An Act to prevent the sale or disposition, as butter, of the substance known as "oleomargarine," or "oleomargarine butter," and when "oleomargarine," or "oleomargarine butter," is sold or disposed of, requiring notice thereof to be given—approved March 1, 1883-----	A. B. 140-----	20

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
12	An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year—approved March 1, 1883-----	S. B. 52-----	21
13	An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-second fiscal year—approved March 1, 1883-----	S. B. 53-----	22
14	An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year—approved March 1, 1883-----	S. B. 54-----	22
15	An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year—approved March 1, 1883-----	S. B. 55-----	22
16	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as Section 3817, relating to redemption of lands sold to the State for delinquent taxes—approved March 2, 1883-----	S. B. 45-----	23
17	An Act to provide for the classification of municipal corporations—approved March 2, 1883-----	S. B. 185-----	24
18	An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1882—approved March 3, 1883-----	S. B. 188-----	25
19	An Act to amend Sections 680 and 682, and to repeal Section 681 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands—approved March 3, 1883-----	S. B. 189-----	25
20	An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878—approved March 3, 1883-----	S. B. 355-----	26
21	An Act to establish and support a Bureau of Labor Statistics—approved March 3, 1883-----	A. B. 30-----	27
22	An Act to amend Sections 3, 4, 9, and 11 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 15, 1880, so as to create two additional districts—approved March 6, 1883-----	A. B. 25-----	30
23	An Act to amend Section 359 of the Civil Code, relating to increasing and diminishing the capital stock of corporations—approved March 6, 1883-----	A. B. 241-----	30
24	An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities—approved March 6, 1883-----	S. B. 50-----	32
25	An Act to add a new section to the Code of Civil Procedure, to be known as Section 1207, providing the manner in which preferred labor claims may be disputed—approved March 7, 1883-----	A. B. 27-----	47
26	An Act to pay the claim of James Saultry—approved March 7, 1883-----	A. B. 82-----	47
27	An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil—approved March 7, 1883-----	A. B. 247-----	48

CONTENTS.

V

Chap.	TITLE OF ACT.	No: of bill and where introduced.	Page.
28	An Act to amend Sections 2520, 2521, 2522, 2523, 2530, 2545, and 2552, of the Political Code, and to repeal Section 2534 of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—approved March 7, 1883	A. B. 356	48
29	An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval—approved March 7, 1883	S. B. 228	53
30	An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same—approved March 7, 1883	S. B. 247	54
31	An Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association—approved March 7, 1883	S. B. 131	55
32	An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880—approved March 7, 1883	A. B. 310	57
33	An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year—approved March 8, 1883	A. B. 243	58
34	An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein—approved March 8, 1883	A. B. 130	58
35	An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880—approved March 9, 1883	S. B. 121	62
36	An Act authorizing and empowering the Regents of the University of California to convey certain lands—approved March 9, 1883	S. B. 288	62
37	An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns—approved March 9, 1883	S. B. 211	63
38	An Act to provide an industrial department for the Deaf, and Dumb, and Blind Asylum—approved March 9, 1883	S. B. 49	63
39	An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor—approved March 9, 1883	A. B. 153	64
40	An Act to amend Sections 3664, 3665, and 3734 of, and to add six new sections, to be numbered 3666, 3667, 3668, 3669, 3670, and 3771, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of Section 3650 of said Act, the amendment of the sections, the new sections, and the repeal of portion of Section 3650, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State, and county, and city and county, taxes due upon such assessment—approved March 9, 1883	S. B. 285	65
41	An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—approved March 9, 1883	A. B. 77	72
42	An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University—approved March 9, 1883	S. B. 160	80

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
43	An Act to amend Sections 626, 631, 632, 634, and 636, and to repeal Sections 627, 628, and 629, of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the preservation of game and fish—approved March 9, 1883-----	S. B. 181-----	80
44	An Act to amend Section 1663 of the Political Code, in relation to public schools, and requiring county Boards of Education in the several counties to divide certain schools into primary and grammar grades, to prescribe a course of study for such grades and for a grammar school course, to provide for examinations therein, and that school districts may elect to have the grammar school course taught in their respective districts—approved March 9, 1883-----	A. B. 508-----	83
45	An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature—approved March 10, 1883-----	S. B. 392-----	84
46	An Act to amend Section 505 of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to street railroad corporations—approved March 13, 1883-----	A. B. 39-----	84
47	An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein—approved March 13, 1883-----	A. B. 128-----	85
48	An Act to repeal an Act entitled "An Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, A. D. 1872, and passed by the State Legislature February 3, A. D. 1876—approved March 13, 1883-----	A. B. 327-----	93
49	An Act to provide for the organization, incorporation, and government of municipal corporations—approved March 13, 1883-----	A. B. 509-----	93
50	An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith—approved March 13, 1883-----	S. B. 68-----	279
51	An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor—approved March 13, 1883-----	S. B. 85-----	280
52	An Act to amend Section 853 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State—approved March 13, 1883-----	S. B. 110-----	280
53	An Act appropriating money for the completion of the Branch Normal School building of Los Angeles, and for the improvement of the grounds about the same—approved March 13, 1883-----	S. B. 130-----	281
54	An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876—approved March 13, 1883-----	S. B. 327-----	281
55	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered Section 3341, Division 4, Part 1, Title 2, relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals—approved March 13, 1883-----	S. B. 74-----	283
56	An Act for the appropriation of money for the erection of buildings, and improvements, and the purchase of land for the Napa State Asylum for the Insane—approved March 13, 1883-----	S. B. 356-----	284

CONTENTS.

Chap.	TITLE OF ACT.	No. of bill and where introduced.	Page.
57	An Act to amend Section 1097 of an Act to establish a Political Code, approved March 12, 1872, relating to elections and registration of voters—approved March 13, 1883-----	A. B. 225-----	284
58	An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture—approved March 13, 1883-----	A. B. 230-----	285
59	An Act to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years—approved March 13, 1883-----	A. B. 492-----	286
60	An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California, under the agricultural college grant of one hundred and fifty thousand acres—approved March 13, 1883-----	A. B. 334-----	287
61	An Act to amend Section 2137 of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums—approved March 13, 1883-----	S. B. 369-----	288
62	An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof—approved March 13, 1883-----	S. B. 338-----	283
63	An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof—approved March 13, 1883-----	Sub. S. B. 3--	289
64	An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January 7 to July 1, of the year 1880—approved March 13, 1883-----	S. B. 82-----	292
65	An Act for the relief of John W. Metcalf and George McLellan—approved March 13, 1883-----	S. B. 212-----	293
66	An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year—approved March 13, 1883-----	A. B. 520-----	293
67	An Act supplemental to the General Appropriation Bill, to provide a contingent fund for the office of the Controller—approved March 13, 1883-----	A. B. 532-----	294
68	An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State—approved March 13, 1883-----	S. B. 112-----	294
69	An Act making an appropriation to pay a deficiency in the appropriations for the thirty-third and thirty-fourth fiscal years—approved March 13, 1883-----	A. B. 183-----	295
70	An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities—approved March 13, 1883-----	A. B. 462-----	295
71	An Act to provide for the erection of a wall at the State Prison at Folsom—approved March 13, 1883-----	A. B. 447-----	295
72	An Act to divide the State of California into Congressional Districts—approved March 13, 1883-----	A. B. 129-----	296
73	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered 4045, relative to the general permanent powers of Boards of Supervisors, and fixing licenses—approved March 13, 1883-----	A. B. 259-----	297.

Chap.	TITLE OF ACT.	No. of bill and where introduced	Page.
74	An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings—approved March 13, 1883-----	A. B. 440 ----	298
75	An Act to establish a uniform system of county and township governments—approved March 14, 1883-----	A. B. 448 ----	299
76	An Act to amend the Constitution—approved March 15, 1883-----	S. B. 117 ----	365
77	An Act entitled an Act to grant to Boards of Health in cities and cities and counties the power to regulate the plumbing and drainage of buildings—approved March 15, 1883-----	S. B. 132 ----	366
78	An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor—approved March 15, 1883-----	S. B. 196 ----	367
79	An Act to encourage the destruction of wild animals in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same—approved March 15, 1883-----	A. B. 56 ----	368
80	An Act to add a new section to the Political Code, to be known as Section 999, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of the prevention of frauds in the same—approved March 15, 1883-----	A. B. 530 ----	368
81	An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof—approved March 15, 1883-----	S. B. 372 ----	369
82	An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to re-fund its indebtedness, to issue bonds therefor, and provide for the payment of the same—approved March 15, 1883-----	A. B. 563 ----	370
83	An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year—approved March 15, 1883-----	S. B. 279 ----	373
84	An Act to appropriate the sum of three thousand three hundred dollars for the purpose of paying the rent of the Hastings College of Law, San Francisco—approved March 15, 1883-----	Sub. S. B. 321	373
85	An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year—approved March 15, 1883-----	S. B. 280 ----	374
86	An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization—approved March 15, 1883-----	S. B. 303 ----	374
87	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year—approved March 15, 1883-----	S. B. 334 ----	374
88	An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture, and purchase of carpets, for thirty-fourth fiscal year—approved March 15, 1883-----	S. B. 368 ----	375
89	An Act providing for submitting to a vote of the qualified electors of a county or city and county a proposal to issue bonds—approved March 15, 1883-----	S. B. 391 ----	375

CONTENTS.

ix

Chap	TITLE OF ACT.	No. of bill and where introduced.	Page.
90	An Act to prevent the introduction of contagious or infectious diseases into the State of California—approved March 15, 1883-----	A. B. 127-----	376
91	An Act to add a new section to the Penal Code, to be known as Section 1388, to provide for the probationary treatment of juvenile delinquents—approved March 15, 1883-----	A. B. 290-----	377
92	An Act to pay the claim of Hiram Clock—approved March 15, 1883-----	A. B. 337-----	378
93	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year—approved March 15, 1883-----	S. B. 333-----	378
94	An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year—approved March 15, 1883-----	S. B. 281-----	379
95	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year—approved March 15, 1883-----	S. B. 335-----	379
96	An Act to appropriate money for the support of aged persons in indigent circumstances—approved March 15, 1883-----	S. B. 358-----	380

CONCURRENT AND JOINT RESOLUTIONS.

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where introduced.	Page.
1	Relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River, from the head of navigation at Napa City to Mare Island—adopted January 11, 1883.....	S. C. R. 4.....	385
2	Relative to the State Engineer devising a permanent plan for the disposition of the sewerage of the Deaf, Dumb, and Blind Asylum, and State University, in Alameda County—adopted January 19, 1883.....	S. C. R. 7.....	386
3	Asking Congressional action on behalf of the University of California—adopted January 30, 1883.....	S. J. R. 1.....	386
4	Assembly Concurrent Resolution—adopted February 9, 1883.....	A. C. R. 13.....	387
5	Concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties, California—adopted February 9, 1883.....	A. C. R. 15.....	387
6	Relative to the law restricting Chinese immigration and its construction by officers of the General Government—adopted February 9, 1883.....	A. C. R. 1.....	388
7	Relative to requesting our Senators and Representatives in Congress to use all honorable means to defeat the bill now pending in Congress for the purpose of allowing the Southern Pacific Railroad to be merged with other railroads—adopted February 10, 1883.....	A. C. R. 27.....	389
8	Relative to bills which take effect immediately after they are approved by the Governor—adopted February 12, 1883.....	A. C. R. 7.....	389
9	Relative to the State Board of Harbor Commissioners and the Board of Pilot Commissioners—adopted February 21, 1883.....	A. C. R. 11.....	390
10	Relative to forfeiture of lands granted to railroads, and their restoration to the public domain—adopted February 24, 1883.....	A. C. R. 16.....	390
11	Relative to the appointment of a Commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler—adopted February 26, 1883.....	A. C. R. 31.....	391
12	Relative to the contest now existing between the Los Bolsas land grant and two hundred settlers claiming under the Rancho Santiago de Santa Ana, as to the boundaries between said grants—adopted February 27, 1883.....	A. C. R. 48.....	392
13	Relative to the mail service between the United States, New Zealand, and Australia—adopted February 28, 1883.....	A. C. R. 47.....	393
14	In relation to forests—adopted March 2, 1883.....	A. C. R. 51.....	393
15	Relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan, in collections of claims due the State from the United States—adopted March 3, 1883.....	A. C. R. 20.....	394
16	Relative to instructing the State Engineer to report to the Governor, on or before the first day of January, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.—adopted March 3, 1883.....	A. C. R. 50.....	395

CONTENTS.

xi

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where introduced.	Page.
17	Relative to requesting our Congressmen to aid in the passage of the Mexican veteran pension bill—adopted March 7, 1883-----	A. J. R. I-----	396
18	Requiring the State Board of Examiners to examine into the claim of Esther H. Dennis, the widow, and the other heirs of William E. Dennis, deceased, and to report thereon to the Legislature at its next session—adopted March 7, 1883-----	A. C. R. 52---	396
19	Relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts toward securing the promotion of Lieutenant W. I. Reid, U. S. A.—adopted March 8, 1883-----	S. C. R. 15---	397
20	Relative to requesting the Secretary of the Interior to quiet the disputed titles to the land included in the El Sobrante Grant, in Contra Costa County—adopted March 8, 1883-----	S. C. R. 21---	397
21	Relative to instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union—adopted March 15, 1883-----	A. C. R. 29---	398
22	In relation to the law now introduced in Congress for the relief of the settlers on the Moquelumos Grant in this State—adopted March 15, 1883-----	A. C. R. 43---	399
23	Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State—adopted March 15, 1883-----	S. C. R. 19---	400

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.
George Stoneman	Governor	Los Angeles.
John Daggett	Lieutenant-Governor	Siskiyou.
T. L. Thompson	Secretary of State	Sonoma.
John P. Dunn	Controller	San Francisco.
W. A. January	Treasurer	Santa Clara.
E. C. Marshall	Attorney-General	San Francisco.
H. I. Willey	Surveyor-General	San Diego.
W. T. Welcker	Superintendent Public Instruction	Santa Clara.
James J. Ayers	Superintendent State Printing	Los Angeles.
Geo. B. Cosby	Adjutant-General	Sacramento.
T. H. Wallis	State Librarian	Sacramento.
W. W. Moreland	Governor's Private Secretary	Sonoma.

JUSTICES AND CLERK OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
R. F. Morrison	Chief Justice	San Francisco.
E. W. McKinstry	Associate Justice	San Francisco.
J. D. Thornton	Associate Justice	San Francisco.
S. B. McKee	Associate Justice	Alameda.
E. M. Ross	Associate Justice	Los Angeles.
J. R. Sharpstein	Associate Justice	San Francisco.
M. H. Myrick	Associate Justice	San Francisco.
J. W. McCarthy	Clerk of Supreme Court	Stanislaus.

SENATORS.

JOHN DAGGETT.....President.

NAME.	DISTRICT.	COUNTIES REPRESENTED.
Baldwin, F. T.	Sixteenth	San Joaquin.
Brooks, J. M.*	Third	Ventura, Santa Barbara, and San Luis Obispo.
Buck, L. W. †	Nineteenth	Solano.
Chandler, A. L.	Twenty-fifth	Yuba and Sutter.
Cox, Fred.	Eighteenth	Sacramento.
Cronan, W.	Thirteenth	San Francisco.
Cross, C. W.	Twenty-fourth	Nevada.
Del Valle, R. F.	Second	Los Angeles.
Dougherty, J. T.	Twelfth	San Francisco.
English, W. B.	Fifteenth	Contra Costa and Marin.
Filcher, J. A.	Twenty-second	Placer.
Foster, C. F.	Twenty-ninth	Colusa and Tehama.
Fraser, T.	Twenty-third	El Dorado and Alpine.
Harrigan, J. J.	Ninth	San Francisco.
Johnson, G. A.	Twenty-first	Sonoma.
Keating, E.	Eleventh	San Francisco.
Kelly, M.	Twelfth	San Francisco.
Kelley, K. E.	Nineteenth	Solano and Yolo.
Kellogg, W. W.	Twenty-sixth	Butte, Plumas, and Lassen.
Knight, Ben.	Sixth	Monterey, San Benito, and Santa Cruz.
Langford, B. F.	Sixteenth	San Joaquin and Amador.
Lynch, J.	Eighth	San Francisco and San Mateo.
Maddox, C. H.	Seventh	Santa Clara.
McCarthy, T.	Ninth	San Francisco.
McClure, D.	Tenth	San Francisco.
Murphy, B. D.	Seventh	Santa Clara.
Nelson, T. K.	Eleventh	San Francisco.
Perry, G. H.	Tenth	San Francisco.
Reddy, P.	Fourth	Fresno, Tulare, Kern, Mono, and Inyo.
Reynolds, C. D.	Seventeenth	Calaveras and Tuolumne.
Routier, J.	Eighteenth	Sacramento.
Ryan, F. H.	Twenty-seventh	Del Norte, Humboldt, and Mendocino.
Spencer, D.	Twentieth	Napa, Lake, and Sonoma.
Spencer, J. D.	Fifth	Mariposa, Merced, and Stanislaus.
Sullivan, F. J.	Thirteenth	San Francisco.
Taylor, C. W.	Twenty-eighth	Siskiyou, Modoc, Trinity, and Shasta.
Vrooman, H.	Fourteenth	Alameda.
Wallis, H. W.	Twenty-fourth	Nevada and Sierra.
Whitney, G. E.	Fourteenth	Alameda.
Wolfskill, J.	First	San Diego and San Bernardino.

* J. M. Brooks contested the election of George Steele, and was awarded the seat by the Senate on February 21, 1883, Mr. Steele having occupied it up to that time.

† L. W. Buck contested the election of J. M. Dudley, and was awarded the seat by the Senate, on February 16, 1883, Mr. Dudley having occupied it up to that time.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
Edwin F. Smith	Secretary.
A. T. Vogelsang	Assistant Secretary.
J. J. McCarthy	Assistant Secretary.
I. G. Messec	Sergeant-at-Arms.
J. B. Sydnor	Assistant Sergeant-at-Arms.
A. A. Taylor	Minute Clerk.
R. G. Falk	Assistant Minute Clerk.
Wm. J. McGee	Journal Clerk.
A. Norton	Enrolling Clerk.
Geo. F. Tuttle	Engrossing Clerk.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY.

H. M. LARUE.....Speaker.

NAME.	COUNTIES REPRESENTED.
Atwell, A. J.*	Tulare and Kern.
Barnes, D. G.†	Solano.
Barry, T. P.	San Francisco.
Beard, E. B.	Stanislaus.
Bibb, D. H.	San Francisco.
Booth, A. G.	San Francisco.
Bowers, S. C.	Marin.
Briceland, J. M.	Trinity and Shasta.
Brown, L. H.	Alameda.
Callaghan, J. J.	San Francisco.
Caminetti, A.	Amador.
Campbell, J. T.	Sonoma.
Carter, G. W. T.	Contra Costa.
Cary, L. H.	Alameda.
Clark, R.	Colusa and Tehama.
Clement, W. B.	Alameda.
Coleman, J. V.	San Mateo.
Coombs, N. D.	Yuba.
Crumpton, H. J.	Lake.
Culver, J. H.	San Francisco.
Cutter, W. M.	Yuba.
Doty, G.	Sacramento.
Farley, M.	Sierra.
Faw, T. F.	Monterey.
Field, J.	Sonoma.
Fleming, T. R.	Butte.
Flynn, J. J.	San Francisco.
Fortna, S. R.	Sutter.
Gaussail, E. A.	San Francisco.
Granger, L. C.	Butte.
Hall, S.	San Francisco.
Hamilton, W. A.	Del Norte.
Harvey, J. A.	Solano.
Head, H. W.	Los Angeles.
Healy, T. E.	San Francisco.
Heath, L.	Santa Cruz.
Hershey, D. N.	Yolo.
Hollister, J. H.	San Luis Obispo.
Hughes, C. A.	San Francisco.
Hunter, A. B.	Santa Clara.
Irwin, C. F.	El Dorado.
Johnston, F. E.	Napa.
Keeler, J. M.	Mono and Inyo.
Kerrick, J. W.	San Joaquin.
Leverson, M. R.	San Francisco.
Lewison, J. L.	Nevada.
Martin, S. M.	Sonoma.
Matthews, J. H.	San Benito.
McClaskey, C.	Plumas and Lassen.
McDonald, T. H.	San Francisco.
McHale, P.	Placer.
McKinley, B. F.	San Francisco.
Moffitt, A. B.	Los Angeles.
Murdock, C. A.	San Francisco.
Murphy, T. H.	San Francisco.
Nicol, F. D.	Tuolumne.
O'Connor, E. J.	San Francisco.
Parker, E.	San Diego.
Peterson, P.	Siskiyou and Modoc.
Plover, P.	San Francisco.
Rawle, B. A.	San Francisco.
Reeves, T.	San Bernardino.
Rhiel, A.	Santa Clara.
Rowland, T. B.	El Dorado and Alpine.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.
Ryan, F. D. ....	..... Sacramento.
Sinon, W. J. ....	..... San Francisco.
Smith, W. L. ....	..... Mariposa and Merced.
Stephens, C. S. ....	..... San Joaquin.
Stewart, R. ....	..... Amador.
Storke, C. A. ....	..... Ventura and Santa Barbara.
Sweetland, J. O. ....	..... Nevada.
Terry, S. L. ....	..... San Joaquin.
Townsend, J. H. M. ....	..... Santa Clara.
Walrath, A. ....	..... Nevada.
Weaver, J. H. G. ....	..... Humboldt.
Wharton, F. ....	..... Fresno.
Wheat, A. R. ....	..... Calaveras.
Wheelan, P. ....	..... San Francisco.
Yell, A. ....	..... Mendocino.

* A. J. Atwell was elected at a special election, to fill the vacancy of James Morton, who died prior to the assembling of the Legislature.

† D. G. Barnes' election was contested by E. C. Dozier. The Assembly, on the sixteenth day of February, eighteen hundred and eighty-three, declared the seat vacant, Mr. Barnes ceasing to occupy it at that time.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
M. C. Haley .....	..... Chief Clerk.
Julius Reimer .....	..... Assistant Clerk.
Geo. W. Herbert .....	..... Assistant Clerk.
Thomas Cleary .....	..... Minute Clerk.
Geo. B. Crandall .....	..... Assistant Minute Clerk.
George W. Peckham .....	..... Journal Clerk.
Charles A. Giffen .....	..... Engrossing Clerk.
Jas. M. Farrelly .....	..... Sergeant-at-Arms.
Jas. P. Martin .....	..... Assistant Sergeant-at-Arms.
E. B. Ware .....	..... Chaplain.

COMMISSIONERS OF DEEDS,

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

ALASKA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 28, 1881 -----	Wm. Gouverneur Morris...	Sitka -----	August 24, 1881.

ARIZONA.

December 30, 1879.....	G. W. Spaulding.....	Tucson -----	January 9, 1880.
February 18, 1880.....	Wells Spicer.....	Tombstone -----	
January 25, 1881.....	Edward L. Wetmore.....	Tucson -----	April 5, 1881.
February 21, 1881.....	S. W. Carpenter.....	Tombstone -----	
March 19, 1881.....	H. M. Alexander.....	Yuma -----	March 26, 1881.
March 31, 1881.....	Marcus P. Hayne.....	Tombstone -----	
June 13, 1881.....	James F. Topliff.....	Tucson -----	June 24, 1881.
June 21, 1881.....	William A. Hancock.....	Phoenix -----	
September 3, 1881.....	J. W. Stevenson.....	Mineral Park -----	
March 6, 1882.....	Robert M. Wilkin.....	Tucson -----	April 13, 1882.
August 8, 1882.....	John E. Beede.....	Flagstaff -----	October 5, 1882.
January 5, 1883.....	Milton B. Clapp.....	Tombstone -----	January 13, 1883.
February 21, 1883.....	J. H. Harrison.....	Tucson -----	March 7, 1883.

CONNECTICUT.

June 11, 1880 -----	David G. Gordon -----	Hartford -----	June 29, 1880.
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COLORADO.

February 18, 1880.....	J. W. Schenck.....	Leadville -----	
October 8, 1880.....	Gabriel Netter.....	Denver -----	October 18, 1880.
May 24, 1881.....	David Mitchell.....	Denver -----	

DISTRICT OF COLUMBIA.

April 12, 1880.....	John E. Beall.....	Washington -----	June 10, 1882.
June 11, 1880.....	Joseph T. K. Plant.....	Washington -----	December 23, 1880.

GEORGIA.

September 4, 1882.....	William B. Adams.....	Savannah -----	September 19, 1882.
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COMMISSIONERS OF DEEDS.

ILLINOIS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 9, 1880.....	Simeon W. King.....	Chicago.....	February 6, 1882.
October 4, 1880.....	Samuel E. May.....	Chicago.....	.....
August 17, 1881.....	Philip A. Hoyne.....	Chicago.....	August 29, 1881.
December 15, 1881.....	S. S. Willard.....	Chicago.....	.....
April 20, 1882.....	Lyman B. Tichenor.....	Chicago.....	January 3, 1882.

IDAHO.

December 28, 1881.....	E. C. Headrick.....	Bellevue.....
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KENTUCKY.

February 25, 1880.....	Harry Stucky.....	Louisville.....	March 10, 1880.
May 3, 1882.....	William Reinecke.....	Louisville.....	May 26, 1882.

LOUISIANA.

April 19, 1880.....	George A. Hero.....	New Orleans.....	May 10, 1880.
January 10, 1882.....	J. G. Eustis.....	New Orleans.....	January 26, 1882.
February 21, 1882.....	Felix J. Dreyfous.....	New Orleans.....	March 8, 1882.
April 6, 1882.....	Meloney C. Soniat.....	New Orleans.....	April 24, 1882.

MAINE.

January 19, 1881.....	Lewis Barker.....	Bangor.....	May 2, 1881.
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MARYLAND.

September 2, 1880.....	Murray Hanson.....	Baltimore.....	September 21, 1881.
January 16, 1882.....	P. H. Hoffman.....	Baltimore.....	February 1, 1882.
April 4, 1882.....	F. H. Grupy.....	Baltimore.....	May 2, 1882.
January 12, 1882.....	G. Evett Reardon.....	.....	July 29, 1882.

MASSACHUSETTS.

November 25, 1879.....	Henry M. Meek.....	Salem.....	February 28, 1880.
December 9, 1879.....	J. B. Braman.....	Boston.....	December 29, 1879.
December 9, 1879.....	E. J. Jones.....	Boston.....	January 30, 1880.
March 23, 1880.....	Daniel B. Whittier.....	Boston.....	.....
July 3, 1880.....	James W. Chapman.....	Boston.....	July 21, 1880.
August 26, 1880.....	J. Henry Hill.....	Worcester.....	September 18, 1880.
March 12, 1881.....	Freeman M. Josselyn.....	Boston.....	April 2, 1881.
August 10, 1881.....	Hamilton D. Clark.....	Medford.....	January 6, 1882.
November 18, 1881.....	Benjamin Pond.....	Boston.....	.....
March 20, 1882.....	Samuel Jennison.....	Boston.....	April 4, 1882.
May 22, 1882.....	Charles A. Shaw.....	Boston.....	June 28, 1882.
August 8, 1882.....	Bradford Kingman.....	Brookline.....	.....
February 2, 1883.....	Charles Hall Adams.....	Boston.....	March 8, 1883.

MICHIGAN.

July 26, 1882.....	Wm. J. Waterman.....	Detroit.....	August 9, 1882.
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COMMISSIONERS OF DEEDS.

MISSOURI.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 12, 1879	Chapman S. Clark	St. Louis	June 27, 1879.
July 21, 1879	Daniel McGowan	St. Louis	September 13, 1879.
October 9, 1880	Jufius Robertson	St. Louis	October 20, 1880.
June 14, 1881	Fred. W. Perkins	Kansas City	July 18, 1881.
August 29, 1881	John W. Hodgkin	St. Louis	October 26, 1881.
September 12, 1881	Francis Nohl	St. Louis	October 3, 1881.
October 24, 1882	Charles D. Greene, Jr.	St. Louis	November 6, 1882.

MONTANA.

June 6, 1881	T. H. Kleinschmidt	Helena	
October 24, 1881	B. F. Clayton	Butte City	

MINNESOTA.

November 2, 1881	Frank H. Carlton	Minneapolis	December 9, 1881.
January 3, 1883	I. N. Cardoza	St. Paul	January, 1883.

NEW HAMPSHIRE.

December 9, 1879	Wm. H. Hackett	Plymouth	
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NEW JERSEY.

November 29, 1881	Chas. P. Scheweriger	Uniontown	
July 26, 1882	H. J. Stratemeyer, Jr.	Elizabeth City	August 14, 1882.

NEW YORK.

December 9, 1879	Joseph B. Nones	New York City	
January 7, 1880	F. A. Burnham	New York City	March 3, 1880.
January 22, 1880	S. B. Goodale	New York City	February 7, 1880.
February 13, 1880	Wm. Grevel	New York City	March 6, 1880.
March 6, 1880	Richard M. Bruno	New York City	March 23, 1880.
March 13, 1880	Henry C. Banks	New York City	May 1, 1880.
June 4, 1880	Thomas H. Harris	New York City	
June 11, 1880	Thomas Kilvert	New York City	July 10, 1880.
June 11, 1880	Moses B. Maclay	New York City	June 29, 1880.
August 17, 1880	R. L. Donnelly	New York City	
February 12, 1881	R. K. McHarg	New York City	March 11, 1881.
March 26, 1881	O. P. C. Billings	New York City	April 16, 1881.
March 28, 1881	Wm. M. Thomas	New York City	May 26, 1881.
June 18, 1881	Vincent Rosemon	Brooklyn	July 2, 1881.
June 30, 1881	S. Allaire Murden	New York City	July 27, 1881.
July 15, 1881	Geo. Wetmore Colles	New York City	September 3, 1881.
August 3, 1881	T. Henry Dewey	New York City	August 22, 1881.
October 22, 1881	Edwin F. Corey	New York City	November 5, 1881.
November 10, 1881	F. T. Burke	New York City	January 17, 1882.
November 29, 1881	Edwin C. Clarke	New York City	
December 1, 1881	Peter R. Gatens	New York City	December 20, 1881.
February 28, 1882	James Kearney	New York City	
March 10, 1882	Herbert E. Dickson	New York City	July 26, 1882.
March 16, 1882	Samuel D. Folsom	New York City	April 14, 1882.
April 5, 1882	Monroe Crannell	Albany	April 21, 1882.
April 8, 1882	John A. Hillery	New York City	April 22, 1882.
May 23, 1882	S. A. Emanuel	New York City	July 5, 1882.
May 31, 1882	Thomas B. Clifford	New York City	June 17, 1882.
October 19, 1882	Spencer C. Doty	New York City	November 2, 1882.
February 21, 1883	John J. Mead	New York City	March 20, 1883.
February 21, 1883	Peter Mahoney	Brooklyn	

COMMISSIONERS OF DEEDS.

NEVADA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 19, 1879.....	John W. Patterson.....	Virginia City.....	
July 31, 1879.....	V. J. Stearns.....	Virginia City.....	August 28, 1879.
November 17, 1879.....	Thomas E. Haydon.....	Reno.....	November 21, 1879.
March 19, 1880.....	D. J. Lewis.....	Aurora.....	
June 11, 1880.....	E. B. Stonehill.....	Virginia City.....	
August 11, 1880.....	Louis A. Hauck.....	Hamilton.....	
June 25, 1881.....	A. L. Fitzgerald.....	Eureka.....	July 23, 1881.
July 9, 1881.....	A. H. Ricketts.....	Virginia City.....	July 15, 1881.
July 26, 1881.....	E. J. Butler.....	Eureka.....	August 1, 1881.

NEBRASKA.

August 25, 1879.....	Watson B. Smith.....	Omaha.....	October 7, 1879.
June 12, 1882.....	L. C. Northrop.....	Omaha.....	

NEW MEXICO.

March 13, 1882.....	Walter V. Hoyt.....	Sante Fe.....	March 20, 1882.
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OHIO.

July 15, 1880.....	M. B. Sachs.....	Cincinnati.....	
September 28, 1880.....	Frank F. Rankin.....	Columbus.....	
June 30, 1882.....	Frank T. Van Fleet.....	Toledo.....	
July 12, 1882.....	Samuel S. Carpenter.....	Cincinnati.....	July 25, 1882.

OREGON.

May 1, 1880.....	R. D. Pitt.....	Portland.....	July 6, 1880.
October 12, 1880.....	H. Sengstaeker.....	Empire City.....	November 4, 1880.
October 25, 1880.....	F. A. Meyer.....	Portland.....	
November 15, 1880.....	Joseph Simon.....	Portland.....	November 29, 1880.
September 19, 1881.....	C. J. Curtis.....	East Portland.....	October 8, 1881.
June 26, 1882.....	Eugene D. White.....	Portland.....	September 18, 1882.

PENNSYLVANIA.

May 5, 1879.....	Kinley S. Tener.....	Philadelphia.....	
June 5, 1880.....	Edward Shippen.....	Philadelphia.....	December 28, 1882.
June 11, 1880.....	William F. Robb.....	Pittsburgh.....	
May 2, 1881.....	James Crowe.....	Philadelphia.....	May 16, 1881.
May 21, 1881.....	Edward F. Hoffman.....	Philadelphia.....	June 7, 1881.
May 15, 1881.....	Thomas J. Hunt.....	Philadelphia.....	December 2, 1881.
February 26, 1882.....	Samuel L. Taylor.....	Philadelphia.....	March 18, 1882.
April 28, 1882.....	R. S. Child, Jr.....	Philadelphia.....	May 27, 1882.
December 30, 1882.....	Charles Chauncey.....	Philadelphia.....	January 19, 1883.

TEXAS.

May 10, 1879.....	J. D. Stevenson.....	San Antonio.....	May 23, 1881.
May 6, 1882.....	M. Kirlicks.....	Houston.....	
November 17, 1882.....	John C. Berry.....	San Antonio.....	February 12, 1883.

COMMISSIONERS OF DEEDS.

XXI

UTAH.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 4, 1880	Chris. Diehl	Salt Lake	

WASHINGTON TERRITORY.

November 11, 1879	John Leary	Seattle	February 2, 1880.
March 22, 1880	Robert Crawford	Spokan Falls	September 27, 1880.
February 18, 1881	T. Brook White	New Tacoma	
March 15, 1881	T. H. Cann	Seattle	April 6, 1881.
October 7, 1882	William M. Chandler	Sprague	November 13, 1882.
December 5, 1882	Charles F. Munday	Seattle	January 17, 1883.

GREAT BRITAIN.

February 2, 1880	Hamilton Fulton	London	
July 19, 1880	W. R. A. Kine	County of Middlesex	September 6, 1880.
September 25, 1880	John Lamless	Dublin, Ireland	November 22, 1880.
October 12, 1880	J. M. Barnard	London	
November 12, 1881	Edward Harry Adcock	London	
January 30, 1882	Alfred Heales	London	March 28, 1882.
May 10, 1882	Wm. B. Paterson	Glasgow, Scotl'd	August 3, 1882.
June 15, 1882	Wm. Grain	London	August 5, 1882.
October 18, 1882	Augustus Frederick Warr	Liverpool	December 6, 1882.
December 28, 1882	John Henry Grain	London	February 15, 1883.

SANDWICH ISLANDS.

September 10, 1880	John H. Patty	Honolulu	
January 3, 1881	James M. Monsarratt	Honolulu	February 24, 1881.

FRANCE.

May 17, 1881	Henry W. Spencer, Jr.	Paris	June 30, 1881.
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CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY, MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as

libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II.

EIGHT OF SUFFRAGE.

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

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

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

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

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

ARTICLE III.

DISTRIBUTION OF POWERS.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall

ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have, at any time, the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town, shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

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

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

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

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

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

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

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

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

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

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

Tenth—For the assessment or collection of taxes.

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

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

Thirteenth—Extending the time for the collection of taxes.

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

Fifteenth—Refunding money paid into the State treasury.

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

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

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

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

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

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

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

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

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

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

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

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

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

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimization 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 or any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any Court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

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

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

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

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

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

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

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

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

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

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

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

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

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

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

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

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

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

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

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

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

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

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large, at the general State elections, at the times and places at which State officers are elected; and the term of office shall be twelve years, from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the Court in bank, signed by them, and a duplicate thereof

shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election, and the Justice so elected shall hold the office for the remainder of the unexpired term. The first election of the Justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment or information in a Court of record on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus 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 a Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in a Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant or their attorneys of record, approved by the Court, and sworn to try the cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 24. No Judge of a Superior Court nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer

oaths, that no cause in his Court remains undecided that has been submitted for decision for the period of ninety days.

ARTICLE VII.

PARDONING POWER.

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

ARTICLE VIII.

MILITIA.

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

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

ARTICLE IX.

EDUCATION.

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

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

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

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

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

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

SEC. 7. The local Boards of Education, and the Boards of Supervisors, and County Superintendents of the several counties which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions; the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

CITIES, COUNTIES, AND TOWNS.

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

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

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

SEC. 4. The Legislature shall establish a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt

township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

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

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

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

SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city; all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature, as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

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

SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their 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 public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

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

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

SEC. 19. No public work or improvement, of any description whatsoever, shall be done or made in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality for the 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.

ARTICLE XII.

CORPORATIONS.

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

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

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

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

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

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which

an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of 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 employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

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

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

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

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

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

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

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

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of

private ownership: *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

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

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

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

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

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

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

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

SEC. 9. A State Board of Equalization, consisting of one member from each Congressional district in this State, 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 seventy-nine, whose term of office after those first elected shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

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

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

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

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

ARTICLE XIV.

WATER AND WATER RIGHTS.

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

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

ARTICLE XV.

HARBOR FRONTAGES, ETC.

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

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

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

ARTICLE XVI.

STATE INDEBTEDNESS.

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

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

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

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

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

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

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

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

ARTICLE XIX.

CHINESE.

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

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

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

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

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XXI.

BOUNDARY.

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

said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

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

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

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

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

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

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

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

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

cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

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

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

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

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

Attest: EDWIN F. SMITH, Secretary.

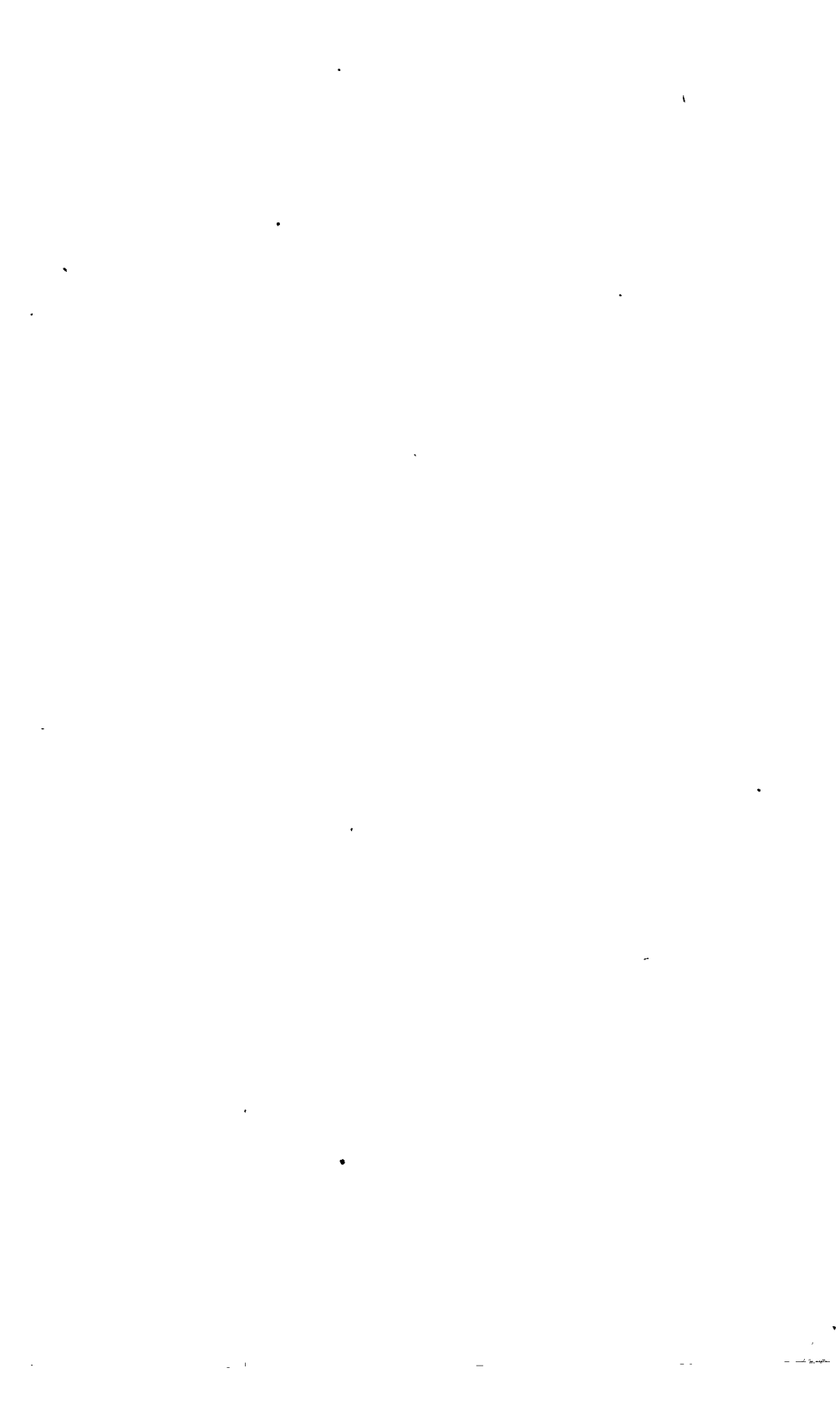
J. P. HOGE, President.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEK,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 SAM'L B. BURT,
 JOSIAH BOUCHER,
 JAMES CAPLES,
 AUG. H. CHAPMAN,
 J. M. CHARLES,
 JOHN D. CONDON,
 C. W. CROSS,
 HAMLET DAVIS,
 JAS. E. DEAN,
 P. T. DOWLING,
 LUKE D. DOYLE,
 W. L. DUDLEY,
 JONATHAN M. DUDLEY,
 PRESLEY DUNLAP,
 JOHN EAGON,
 THOMAS H. ESTEY,
 HENRY EDGERTON,
 M. M. ESTEE,
 EDWARD EVEY,
 J. A. FILCHER,
 SIMON J. FARRELL,
 ABRAHAM 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,

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 MARVIN 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. SHUTLEFF,
 GEO. VENABLE SMITH,
 H. W. SMITH,
 JOHN C. STEDMAN,
 E. P. SOULE,

JOHN B. HALL,
THOMAS HARRISON,
JOEL A. HARVEY,
T. D. HEISKELL,
CONRAD HEROLD,
D. W. HERRINGTON,
S. G. HILBORN,
J. R. W. HITCHCOCK,
J. E. HALE,
VOLNEY E. HOWARD,
SAM. A. HOLMES,
W. J. HOWARD,
WM. PROCTOR HUGHEY,
W. F. HUESTIS,
G. W. HUNTER,
DANIEL INMAN,
GEORGE A. JOHNSON,
L. F. JONES,
PETER J. JOYCE,
J. M. KELLY,
JAMES H. KEYES,
JOHN J. KENNY,
C. R. KLEINE,
T. H. LAINE,
HENRY LARKIN,
R. M. LAMPSON,
R. LAVIGNE,
H. M. LARUE,

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.



STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-FIFTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June 30, 1883.

[Approved January 30, 1883.]

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

SECTION 1. The sum of \$35,000 (thirty-five thousand dollars) is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three. State Printing Office deficiency.

SEC. 2. This Act shall take effect immediately.

CHAPTER II.

An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

[Approved February 8, 1883.]

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

SECTION 1. Sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code are hereby repealed. Repeal of the "Sunday Law."

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

CHAPTER III.

Amendment to the Constitution.

[Approved February 14, 1883.]

The Legislature of the State of California, at its twenty-fifth session, commencing on the first Monday after the first day of January, A. D. one thousand eight hundred and eighty-three, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby proposes that section nineteen (19), of article eleven (11), of the Constitution of the State of California, be amended so as to read as follows:

Privileges of individuals to lay pipes in cities.

SECTION 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.

CHAPTER IV.

An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

[Approved February 15, 1883.]

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

Bond of assignee.

SECTION 1. Section three thousand four hundred and sixty-seven of the Civil Code is hereby amended to read as follows:
3467. Within thirty days after the date of an assignment for the benefit of creditors, the assignee must enter into a bond to the people of this State, in such amount as may be fixed by a Judge of a Superior Court of the county in which the original inventory is filed, with sufficient sureties, to be

approved by such Judge, and conditioned for the faithful discharge of the trust and the due accounting for all moneys received by the assignee, which bond must be filed in the same office with the original inventory.

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

3469. After six months from the date of an assignment for the benefit of creditors, the assignee may be required, on the petition of any creditor, to account before the Superior Court of the county where the accompanying inventory was filed in the manner prescribed by the insolvent laws of this State. Accounting
of assignee.

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

CHAPTER V.

An Act to amend section twenty-two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a Trustee may be discharged from his trust.

[Approved February 15, 1883.]

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

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

2282. A Trustee can be discharged from his trust only as follows: How a Trustee
can be
discharged.

1. By the extinction of the trust;
2. By the completion of his duties under the trust;
3. By such means as may be prescribed by the declaration of trust;
4. By the consent of the beneficiary, if he have capacity to contract;
5. By the judgment of a competent tribunal, in a direct proceeding for that purpose, that he is of unsound mind; or,
6. By the Superior Court.

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

CHAPTER VI.

An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

[Approved February 15, 1883.]

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

SECTION 1. Section seventy-eight of the Civil Code is amended to read as follows:

Either party may proceed to test validity of marriage.

78. If either party to any marriage denies the same, or refuses to join in a declaration thereof, the other may proceed, by action in the Superior Court, to have the validity of the marriage determined and declared.

SEC. 2. This Act shall take effect immediately.

CHAPTER VII.

An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

[Approved February 16, 1883.]

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

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

Affidavit or bond may be required before transfer.

326. When the shares of stock in a corporation are owned by parties residing out of the State, the President, Secretary, or Directors of the corporation, before entering any transfer of the shares on its books, or issuing a certificate therefor to the transferee, may require from the attorney or agent of the non-resident owner, or from the person claiming under the transfer, an affidavit or other evidence that the non-resident owner was alive at the date of the transfer, and if such affidavit or other satisfactory evidence be not furnished, may require from the attorney, agent, or claimant, a bond of indemnity, with two sureties, satisfactory to the officers of the corporation; or, if not so satisfactory, then one approved by a Judge of the Superior Court of the county in which the principal office of the corporation is situated, conditioned to protect the corporation against any liability to the legal representatives of the owner of the shares in case of his or her death before the transfer; and if such affidavit or other evidence or bond be not furnished when required as herein provided, neither the corporation nor any officer thereof shall be liable for refusing to enter the transfer on the books of the corporation.

SEC. 2. This Act shall take effect immediately.

CHAPTER VIII.

An Act to provide a contingent fund for the Assembly for the twenty-fifth session of the Legislature.

[Approved February 16, 1883.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any funds not otherwise appropriated, to provide a contingent fund for the Assembly for the twenty-fifth session of the Legislature. Assembly
Contingent
Fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER IX.

An Act to provide a contingent fund for the Senate, for the twenty-fifth session of the Legislature.

[Approved February 17, 1883.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any funds not otherwise appropriated, to provide a contingent fund for the Senate, for the twenty-fifth session of the Legislature. Senate
Contingent
Fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER X.

An Act to repeal Chapter Two, of Title Six, Part Three, of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, and each and every section of said Chapter Two, and to enact a new Chapter Two, of Title Six, of Part Three, of said Code, and substitute the same in place of said repealed Chapter Two in said Code, relating to roads and highways.

[Approved February 28, 1883.]

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

SECTION 1. Chapter two, of title six, of part three, of an Act of the Legislature of the State of California entitled an Repeal and
substitution
of chapter.

Act to establish a Political Code, approved March 12, 1872, and each and every section of said chapter two, are hereby repealed, and a new chapter two, of title six, of part three, of said Political Code, is hereby enacted and substituted in place of said repealed chapter, to read as follows:

CHAPTER II.

HIGHWAYS.

ARTICLE I. ENUMERATION OF HIGHWAYS.

- II. RULES AND RESTRICTIONS RESPECTING THE USE OF HIGHWAYS.
- III. POWERS AND DUTIES OF HIGHWAY OFFICERS.
- IV. HIGHWAY TAXES.
- V. PERFORMANCE OF HIGHWAY LABOR AND COMMUTATION.
- VI. LAYING OUT, ALTERING, AND DISCONTINUING ROADS.
- VII. ERECTION AND MAINTENANCE OF BRIDGES.
- VIII. OBSTRUCTIONS AND INJURIES TO HIGHWAYS.

ARTICLE I.

ENUMERATION OF HIGHWAYS.

- SECTION 2618. What are highways.
- 2619. Origin of highways.
- 2620. Width of highways.
- 2621. Vacation of highways.
- 2622. Record of proceedings relating to roads and highways.

Highways defined.

2618. In all counties of this State public highways are roads, streets, alleys, lanes, courts, places, trails, and bridges, laid out or erected as such by the public, or if laid out or erected by others, dedicated or abandoned to the public, or made such in actions for the partition of real property.

Expiration of franchise

2619. Whenever the franchise for any toll bridge, trail, turnpike, plank, or common wagon road has expired by limitation or non-user, such bridge, trail, turnpike, plank, or common wagon road becomes a free public highway; and no claim shall be valid against the public for right of way, or for the land, or material comprising such bridge, trail, turnpike, plank, or common wagon road. All public highways, once established, shall continue to be public highways until abandoned by order of the Board of Supervisors of the county in which they are situated, or by operation of law, or judgment of a Court of competent jurisdiction.

Width.

2620. The width of all public highways, except bridges, alleys, and lanes, and trails, shall be at least forty feet. The width of all private highways and byroads, except bridges, shall be at least twenty feet; *provided, however*, that nothing in this Act shall be so construed as to increase or diminish the width of either kind of highways already established or used as such.

Supervisors shall order.

2621. A road laid out and worked, and used as provided in this chapter, shall not be vacated or cease to be a highway until so ordered by the Board of Supervisors of the county in which said road may be located; and no route of travel used by one or more persons over another's land, shall hereafter become a public road or byway by use, or until so

declared by the Board of Supervisors or by dedication by the owner of the land affected.

2622. The Clerk of the Board of Supervisors shall include in the minutes of the Board of Supervisors all proceedings of the Board relative to each road or road district, including orders for laying out, altering, and opening roads; he must also keep a Road Register, in which must be entered the number and name of each public highway in the county, a general reference to its terminal points and course, also the date of the filing of the petition or other papers, a memorandum of every subsequent proceeding in reference to it, with the date thereof, and the folio, and the volume of the minute book where it is recorded.

ARTICLE II.

RULES AND RESTRICTIONS RESPECTING THE USE OF HIGHWAYS.

- SECTION 2631. The public easement.
 2632. Adjoining owner may construct sidewalk.
 2633. May plant trees.

2631. By taking or accepting land for a highway, the public acquire only the right of way, and the incidents necessary to enjoying and maintaining the same, subject to the regulations in this and the Civil Code provided.

2632. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors and the Commissioners of Highways; and any person using such sidewalk with mule, horse, or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.

2633. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees in and along said highway on the side contiguous to his land. They must be set in regular rows, at a distance of at least twenty feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than eighty feet wide the row must not be less than six nor more than twelve feet from the boundary of the highway. Whoever willfully injures any of them is liable to the owner, or to the occupant, for the damage which is thereby sustained.

ARTICLE III.

POWERS AND DUTIES OF HIGHWAY OFFICERS.

- SECTION 2641. Road districts.
 2642. Road Overseers.
 2643. Duties of Supervisors respecting roads.
 2644. Overseers to give bond and take oath.
 2645. Duties of Road Overseer.

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 orders of the Board of Supervisors pertaining to roads in his district are properly executed; *provided*, when in any county the members of the Board of Supervisors thereof are not elected by districts, it shall be the duty of such Board, by proper order to be entered in its records, to divide such county into Supervisor Districts, to correspond with the number of members of such Board, and assign to each member thereof one of such districts of which he shall be such Road Commissioner. Said Road Commissioner shall receive no compensation for performing the duties imposed on him by this Act.

Appoint-
ment of
Road-
master.

2642. The Board of Supervisors of each county shall, upon the presentation of a petition signed by a majority of the taxpayers of said road district, appoint one Road Overseer or Roadmaster for each or any road district in their respective counties, such Overseer to be an elector of the district for which he is appointed, who shall hold office for and during the pleasure of the Board, not to exceed two years, and who shall, under the direction of the Road Commissioner of his district, perform the duties hereinafter in this chapter specified. And if a vacancy at any time occurs in any district, the Supervisors may appoint without any petition for the unexpired term. If the Board does not appoint Road Overseers, the Road Commissioners within their respective districts shall perform the duties imposed on Road Overseers by the provisions of this chapter; *provided*, that all Road Overseers, Roadmasters, or Road Commissioners now in office by election, must hold office and exercise the duties thereof for the terms for which they were elected.

Powers of
Supervisors

2643. The Boards of Supervisors of the several counties of this 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 for 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 seven hundred and sixty-four of the Code of Civil Procedure.

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. In their discretion, let out by contract the construction, maintenance, and improvement of the highways, and the construction, maintenance, and repair of bridges, or other adjuncts of highways, when the amount of work to be done exceeds two hundred dollars.

6. Levy a property road tax.

7. Order and direct Overseers specially in regard to work to be done on particular roads in their districts.

8. In their discretion, cause to be erected and maintained on the highways they may designate, mile-stones, or posts, and guide-posts, properly inscribed.

9. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the Treasurer in separate funds.

10. Audit all claims on the funds of the respective road districts when required to pay for right of way, or work, or improvements thereon.

11. They may also, in their discretion, 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 a violation of 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.

2644. When Overseers of road districts receive notice of their appointment from the Board of Supervisors, they must, within ten days thereafter, give the official bond required by said Board, and take the usual oath of office. The notice and certificate that the bond has been approved and filed, and the oath taken and indorsed thereon, or a certified copy thereof, constitute a commission, and authorizes the person named therein and holding the same to discharge the duties of Overseer until superseded. The bond must be approved by Judge of the Superior Court.

Oath and
bond of
Overseers.

2645. Road Overseers, under the direction and supervision of the Road Commissioners, and pursuant to orders of the Board of Supervisors, must:

Duties of
Overseers.

1. Take charge of the highways within their respective districts.

2. Keep them clear from obstructions, and in good repair, and destroy, or cause to be destroyed, at least once a year, all thistles, Mexican cockleburs, or cockleburs of any kind, and all noxious weeds growing or being on any portion of the public highways or public roads in their respective districts.

3. Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

4. Make quarterly reports under oath of the number of days they have been employed during the preceding three months, the number of days' labor performed on the roads and highways in their respective districts, by whom performed, and the wages paid per day; filing therewith a receipt or receipts, signed by each or all persons who have performed labor, stating the number of days of labor performed and the amount received for the same; also the amount and value of the materials and kind thereof.

5. Receive for his services, from money in the treasury belonging to his road district, a sum not to exceed three dollars per day for each day's service performed by him, not

Compensation
of
Overseers.

to exceed one hundred days in any one year, to be audited and ordered paid by the Board of Supervisors. Road Overseers shall receive fifteen per cent on all moneys collected by them as road poll tax; *provided*, they shall have first paid into the county treasury the sum of all moneys so collected; and no per diem for the time spent in making collections shall be allowed said Road Overseers.

ARTICLE IV.

HIGHWAY TAXES.

- SECTION 2651. General road fund.
 2652. Road poll tax.
 2653. Property highway tax.
 2654. Assessment and collection of property highway tax.
 2655. Taxes to be expended in districts.

General
Road Fund.

2651. The Board of Supervisors may annually set apart from the property road tax collected from all sources, a sum not exceeding thirty-five per cent of the aggregate, for general county road purposes, to be known as the General Road Fund of the county, from which sum so set apart they may direct such amounts to be paid as may be found necessary for such general county road purposes in which the inhabitants of all the districts within the county are more or less interested, or to assist weak or impoverished districts in keeping their roads in repair, to be applied as the said Board may order or direct; *provided*, that the Boards of Supervisors in the several counties shall have no power to create a debt on any road district in excess of the estimated amount of receipts from said district for the current year.

All contracts
in violation
null and
void.

2. 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.

Liability of
Supervisors.

3. 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 claim.

4. The Treasurer paying any claim authorized, allowed, or audited in violation of this provision, shall be liable on his official bond to refund the same to the county treasury.

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 upon 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, an annual road poll tax not exceeding three dollars; and every such person in a road district who has

not paid the same in some other district, must pay the amount of road poll tax so levied; *provided*, that the Board of Supervisors may, by ordinance, provide that any person may work out his road poll tax so levied under such commutation rules as may be established by the Board of Supervisors, and such work to be done under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix by ordinance the time during which all persons liable for road poll tax may, at their option, perform such labor. The Road Overseer, or Road Commissioner, shall give each person performing such labor a certificate thereof. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person, liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the various Road Overseers, or Road Commissioner when there is no Road Overseer, in their respective districts, and in the same manner that State poll taxes are collected. For the purpose of collecting road poll taxes, every Road Overseer, or in case there is no Road Overseer, the Road Commissioner, is hereby invested with the same powers and authority as the collector of State poll taxes; and all the remedies given by law for the collection of State poll taxes shall apply to and be in force for the collection of road poll taxes. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to each person charged with the collection of road poll taxes, on or before the first Monday of March of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the Auditor, and pay over the amounts collected in the manner provided by section three thousand eight hundred and fifty-three of this Code. A sum not exceeding thirty-five per cent of all road poll taxes so collected may be apportioned to the General Road Fund, and the balance shall be apportioned to the several districts of the county equally.

Collection.

2653. The Board of Supervisors must, each year, at the meeting at which they are required to levy the property tax for county purposes, estimate the probable amount of property tax for highway purposes which may be necessary for the ensuing year, over and above the road tax, and must regulate and fix the amount of property highway tax, and levy the same thereby; *provided*, that said property tax for highway purposes shall not exceed the sum of forty cents upon each one hundred dollars of assessable property in any one year.

Supervisors to fix property highway tax.

2654. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when the tax is by them levied for county purposes. This property road tax, when levied, must be annually assessed and collected by the same officers and in the same manner as other State and county taxes are levied, assessed, and collected,

Levy and collection

and turned over to the County Treasurer for the use of the road districts from which it is respectively collected.

How
expended.

2655. All property road tax and road poll tax collected in each road district shall be expended for road purposes within the district in which it is collected, subject to the provisions of sections two thousand six hundred and fifty-one and two thousand six hundred and fifty-two.

ARTICLE V.

PERFORMANCE OF HIGHWAY LABOR AND COMMUTATION.

SECTION 2671. Employers responsible for road taxes assessed against employé's.

Corporations
and
employers
responsible
for road tax
of employé's.

2671. Corporations, or other employers of persons in any road district subject to road tax, are chargeable for the road poll tax assessed against their employé's to the extent of any credit in their hands not exceeding such tax; *provided*, the Road Overseer shall first give notice to such employer, or the managing agent of such corporation, and from the time of such notice, the amount of any credit in his hands, or that shall thereafter accrue sufficient to satisfy said tax, shall be paid to the Road Tax Collector, whose receipt shall be evidence in bar of the prosecution of any action by the employé against the principal for the recovery of the same.

ARTICLE VI.

LAYING OUT, ALTERING, AND DISCONTINUING ROADS.

SECTION 2681. Who may apply for changes.

2682. Petition.

2683. Bond.

2684. Viewers.

2685. Duties of Viewers.

2686. Report of Viewers.

2687. Viewers and Surveyors, how paid.

2688. Proceedings of Board in hearing report.

2689. Effect of, and proceedings on approval of report.

2690. Proceedings to procure right of way.

2691. Payments of awards and expenses.

2692. Private roads, how opened.

2693. Record of transfer of right of way.

2694. Roads crossing railroads, canals, and ditches.

2695. Fences to be removed, how.

Opening,
alteration,
and discontinuance
of
roads.

2681. Any ten freeholders of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein; *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.

Character of
petition.

2682. Petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or con-

structed, and if the road is to be altered, laid out, or constructed, the general route thereof, over what lands, who the owners thereof are, whether such of them as can be found consent thereto, and if not, the probable cost of the right of way where such consent is not had, the necessity for, and the advantages of the proposed road.

2683. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the Board of Supervisors, in double the amount of the probable cost of the viewing and laying out or altering of any road, conditioned that the bondsmen will pay all the costs of viewing and surveying in case the prayer is not granted. To be accompanied by bond.

2684. Upon filing such petition and bond, the Board of Supervisors must appoint three Viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old or 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. Three Viewers to be appointed.

2685. The Road Viewers must be disinterested citizens of the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the proposed alteration or new road over the most practicable route; notify the resident owner or agent of land over which it passes of the proposed route; ascertain whether the resident owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for and public convenience to be subserved by the road, and whether the opening thereof or change therein proposed should be made. Qualifications and duties of Viewers.

2686. When the view and survey of the proposed alteration or new road is completed, the Viewers must report to the Board of Supervisors: Report of Viewers

1. The course, termini, length, and probable cost of construction of the proposed road.

2. The estimate of damage to the owner of any land over which it is proposed to run the road.

3. The names of land owners who consent to give the right of way, and their written consent thereto.

4. The names of land owners who do not consent, and the amount of damage claimed by each; *provided*, that when there are non-resident land owners, and no agent upon the land upon whom notice can be served, such non-resident land owners shall be considered as non-consenting land owners unless their written consent shall have been obtained.

5. Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

6. They may also, in their discretion, or by order of the Board of Supervisors, report upon the feasibility and cost of any other route than the one petitioned for which would subserve the same purposes; and also report as to the necessity of a greater or the practicability of a less width of road than petitioned for.

Dispensa-
tion of
Viewers.

2687. The Viewers must be paid not to exceed three dollars each per day for their services out of the Road Fund of the district through which the road passes, and the Surveyor shall receive a per diem not to exceed ten dollars for the time occupied in running out and mapping the road, and making the plat and field notes, which must be filed before he receives his compensation.

Hearing of
the report.

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; must notify the owners of land not consenting to give the right of way of the hearing, by having written notice served on them personally, or on the occupant or agent of the owner; or if neither the owner, agent of the owner, or occupant can be so notified, by reason of non-residence or other cause, then by posting notices, one at a conspicuous place on the land, or left at the owner's, agent's, or occupant's residence, and one at the Court House, ten days prior to the day fixed for the hearing; and must, on the day fixed for the hearing, or to which it may be postponed or adjourned, hear the evidence and proof from all parties interested for and against the proposed alteration or new road, ascertain, and by order declare, the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected.

Opening of
roads.

2689. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. The Board of Supervisors, upon making each and every order establishing the location or alteration of any road or highway, shall order the amount of damages sustained by each and every person owning or claiming lands, or any improvements thereon and affected thereby, as finally fixed and assessed by them, to be set apart in the treasury, out of the proper fund, to be paid to the proper owner or claimant, if known, and to be kept for the owner or claimant, if unknown, and to be paid to him or her upon showing or establishing their right or title to such lands or improvements. Any moneys set apart as herein provided for, shall be returned to the fund from which it was so set apart, if not paid to or accepted by the proper owner or claimant. If the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

Acceptance
of award.

2690. If any award of damages is not accepted within ten days from the date of the award, it shall be deemed rejected by the land owners; the Board must, by order, direct proceedings to procure the right of way to be instituted by the District Attorney of the county, under and as provided in title seven, part three, of the Code of Civil Procedure, against all non-accepting land owners, and when thereunder the right of way is procured the road must be declared a public highway, and opened as hereinbefore provided.

2691. All awards by agreement, ascertainment by the Board, or by the proper Court, and all expenses of viewing, laying out, or altering any road, must be paid out of the Road Fund of the district, on the order of the Board of Supervisors. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between said districts. Payment of expenses

2692. Private or byroads may be opened, laid out, or altered for the convenience of one or more residents or freeholders of any road district, in the same manner as public roads are opened, laid out, or altered, except that only one petitioner shall be necessary, who must be either a resident or freeholder in said road district; and the Board of Supervisors may for like cause order the same to be viewed, opened, laid out, or altered, the person for whose benefit said road is required paying the damages awarded to land owners, and keeping the same in repair; *provided*, that the petitioners must accompany the petition with the bond mentioned in section two thousand six hundred and eighty-three, conditioned as provided in said section, and with a further condition that the bondsmen will pay to the person over whose land said road is sought to be opened, his necessary costs and disbursements in contesting the opening of such road, in case the petition be not granted, and the road finally not opened; *provided*, that all private roads opened, or laid out, under the provisions of this Act, shall be upon section or half section lines wherever practicable. Private roads.

2693. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned, and paid for, either an instrument in writing, conveying the right of way and incidents thereto, signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described. Instrument or decree to be recorded.

2694. Whenever highways are laid out to cross railroads, canals, or ditches, on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay. And when the right of way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damages must be awarded for the simple right to cross the same. Railroad and ditch crossings.

2695. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased, or condemned by order of a Court for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner, his occupant, or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted with due diligence, the Road Overseer may cause it to be carefully removed at the expense of the Removal of fences.

owner, and recover of him the cost of such removal, and the fence material may be sold to satisfy the judgment.

ARTICLE VII.

ERECTION AND MAINTENANCE OF BRIDGES.

SECTION 2711. Bridges, how maintained, and by whom.

2712. When aid may be given by county for bridge.

2713. Construction and repair of bridges to be let out by contract.

2714. When one Overseer fails to act, who may repair bridge.

2715. When Supervisors must repair bridge.

2716. Semi-annual meetings for highway and bridge purposes.

Maintenance of public bridges.

2711. All public bridges, not otherwise specially provided for, are maintained by the road district in which they are situate, the districts which they unite, and the county at large, in the same manner as highways, and under the management and control of the Road Overseer and the Board of Supervisors, the expense of constructing, maintaining, and repairing the same being primarily payable out of the Road Fund of the district in the hands of the County Treasurer, and from road taxes.

Supervisors discretionary power

2712. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or of the maintenance and repair of any bridge, or the purchase of toll roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the General Road Fund of the county; or by vote of two thirds of the Board of Supervisors said Board may, in their discretion, order a portion of the cost of construction of bridges only to be paid out of the County General Fund, as well as the General Road Fund.

Construction and repair of bridges.

2713. No bridge, the cost of construction or repair of which will exceed the sum of two hundred dollars, must be constructed or repaired except on the order of the Board of Supervisors. When ordered to be constructed or repaired, the contract therefor may, in their discretion, be let out, and if let, it must be after reasonable notice given by the Board of Supervisors, by publication at least once a week for two weeks in a county newspaper; and if no paper is published in said county, then by three posted notices, one at the Court House, one at the point to be bridged, and one at some other neighboring place in the county. All bids shall be sealed; they shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The Board may, however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the Board of Supervisors; except, however, 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 structures, of whatever nature, without notice. Bridges crossing the line between counties must be constructed by the counties into which such bridges reach, and each of the counties into which any such bridge reaches shall pay such portion of the cost of such bridge as shall

have been previously agreed upon by the Boards of Supervisors of said counties.

2714. If the Road Overseer of one district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each are interested, fails so to aid, the one giving notice may make the necessary repairs, and must be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district. Bridges crossing district lines Bridges crossing the line between cities and towns and road districts, must be constructed and maintained, and the expenses thereof borne equally by the cities or towns from the Road Fund of the road districts into which such bridges reach.

2715. If the Overseer of any road district, chargeable with the repair of a bridge, fails to make the needed repairs, after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situate, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, upon being satisfied that the bridge is unsafe, must cause the same to be repaired, and must pay therefor from the funds of the district chargeable therewith, or, if deemed necessary, from the General Road Fund. Failure of Overseers to make repairs

2716. The Supervisors may appoint, semi-annually, a special meeting, at which the Road Overseers, on days set apart for their respective districts, must be present; and at such special meetings, so appointed, the Supervisors must hear highway and bridge reports and complaints from officers and citizens; after which such orders must be made and such action had regarding the same as the public welfare demands. Special meetings for complaints and reports.

ARTICLE VIII.

OBSTRUCTIONS AND INJURIES TO HIGHWAYS.

- SECTION 2731.** Removal of encroachments.
2732. Notice to remove encroachments.
2733. Penalty for neglect.
2734. If encroachment denied, action for nuisance.
2735. If encroachment not denied, how removed.
2736. Penalty for leaving open gate or riding off the road.
2737. Penalty for obstruction or injury.
2738. Penalty for injuring mile-stone or guide-post.
2739. Removal of fallen trees.
2740. Unauthorized felling of trees.
2741. Notice on bridges and penalty for disregarding.
2742. Destroying shade or ornamental trees.
2743. Recovery and application of penalties and forfeitures.
2744. Service of notice by publication on non-residents.

2731. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may, orally or in writing, require the encroachment to be removed from the highway. Removal of encroachments

2732. Notice must be given to the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence, if he be known to the person giving such notice, and reside in the county, if not, it must be posted on the encroachment, specifying the breadth of Notice of encroachment

the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days.

Penalty
for non-
removal.

2733. If the encroachment is not removed, or commenced to be removed, and diligently prosecuted prior to the expiration of the ten days from the service or posting the notice, the one who caused, owns, or controls the encroachment forfeits ten dollars for each day the same continues unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the Overseer must forthwith remove the same.

Suit to
remove.

2734. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the Road Overseer must commence in the proper Court an action to abate the same as a nuisance; and if he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, and also his costs in said action.

When Road
Overseer
may remove.

2735. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also for each day the same remained after notice was complete, the sum of ten dollars, in an action for that purpose.

Gates on
highways.

2736. No gates must be allowed on any public highway except such as are allowed by the Board of Supervisors, in accordance with the provisions of subdivision eleven, section two thousand six hundred and forty-three, and when so allowed they must be maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid, the gate must be removed as an obstruction. Any one who leaves open such gate, or willfully and unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages.

Water
stores
responsible
for overflow
damages.

2737. Whoever obstructs or injures any highway, or diverts any watercourse thereon, or drains water from his land upon any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code. Any person, persons, or corporation who shall be storing or distributing water for any purpose, and shall permit the water to overflow or saturate by seepage any highway, to the injury thereof, shall, upon notification of the Road Overseer of the district where such overflow or seepage occurs, repair the damages occasioned by such overflow or seepage; and should such repair not be made within a reasonable time by such person, persons, or corporation, said Road Overseer shall make such repairs, and recover the expense thereof from such person, persons, or corporation, in an action at law. All persons excavating irrigation, mining, or drainage ditches across public highways are required to

bridge said ditches at such crossings, and upon neglect to do so, the Road Overseer for that road district shall construct the same, and recover the cost of constructing of such persons by action, as provided in this section. And whoever willfully injures any public bridge is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the county in a civil action; *provided*, that every person who knowingly allows the carcass of any dead animal (which animal belonged to him at the time of its death) to be put or to remain within one hundred feet of any street, alley, public highway, or road, in common use, and every person who puts the carcass of any dead animal within one hundred feet of any street, alley, highway, or road, in common use, or who shall deposit on any highway any refuse or waste tin, sheet iron, or broken glass, is guilty of a misdemeanor.

Injury to bridges.

2738. Whoever removes or injures any mile-board, or mile-stone, or guide-post, or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code. It shall be the duty of the Board of Supervisors to cause guide-posts, with suitable inscriptions thereon, to be erected at all road crossings and forks of roads outside of any corporate limits.

Penalty for injuring guide-posts, or mile-stones.

2739. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any highway, to remove such tree or obstruction forthwith. If it is not so removed, the owner or occupant is liable to a penalty of one dollar for every day thereafter till it is removed, and the cost of removal.

Penalty for not removing obstructions.

2740. Whoever cuts down a tree so that it falls into any highway, must forthwith remove the same, and is liable to a penalty of ten dollars for every day the same remains in such highway.

Removal of trees

2741. Road Overseers must, when ordered by the Board of Supervisors so to do, put up on bridges under their charge notices that there is "five dollars fine for riding or driving on this bridge faster than a walk." Whoever thereafter rides or drives faster than a walk on such bridge is liable to pay five dollars for each offense.

Driving over bridges

2742. Whoever digs up, cuts down, or otherwise maliciously injures or destroys any shade or ornamental tree on any highway, unless the same is deemed an obstruction by the Road Overseer, and removed under his direction, forfeits one hundred dollars for each such tree.

Injury of ornamental trees

2743. All penalties or forfeitures given in this chapter, and not otherwise provided for, must be recovered by the Road Overseer or Commissioner of the respective road districts by suit in the name of the county in which said road district is situated, and be paid into the Road Fund of his district.

Road Overseer to collect penalties

2744. When notice is required to be served upon non-resident land owners under any of the provisions of this Act, such notice shall be deemed to have been served by publication, as authorized by the Board of Supervisors, and for all purposes, non-resident land owners upon whom personal

Notice to non-residents

service cannot be made within the county, shall be treated as non-consenting land owners.

Repeal of all laws in conflict, and exemption of certain property from road tax.

SEC. 2. All laws concerning roads and highways in conflict with this Act, and all laws applicable to particular counties of this State concerning roads and highways, are hereby repealed; *provided*, that any proceedings commenced before this Act takes effect, for the alteration, establishment, or abandonment of any road or highway, may be conducted under the provisions of the law under which said proceedings were commenced; *provided further*, that nothing herein contained shall be deemed to authorize the levy or collection of a road poll tax, or property road tax, within municipalities existing under the laws of this State, wherein work and improvements upon the streets is done by virtue of any law relating to street work and improvements within such municipality. Nor shall any such incorporated city or towns be by the Supervisors of the county included or embraced in any road district by them established under this Act.

CHAPTER XI.

An Act to prevent the sale or disposition, as butter, of the substance known as "oleomargarine," or "oleomargarine butter," and when "oleomargarine," or "oleomargarine butter," is sold or disposed of, requiring notice thereof to be given.

[Approved March 1, 1883.]

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

Every package must be marked.

SECTION 1. Every person or corporation who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals, not produced from milk, enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, shall distinctly stamp, brand, or mark in some conspicuous place upon every package of such article or substance the word "oleomargarine" in plain letters, not less than one fourth of one inch square each; and in case of retail sale of such article or substance in parcels or otherwise, the seller shall, in all cases, deliver therewith to the purchaser a printed label, bearing the plainly printed word "oleomargarine," the said word to be printed with type each letter of which shall not be less than one fourth of one inch square.

Printed notice to be posted.

SEC. 2. Every person dealing, whether by wholesale or retail, in the article or substance described in section one of this Act, and every hotel or restaurant keeper, or boarding house keeper, in whose hotel, or restaurant, or boarding house

such article or substance is used, shall continuously keep conspicuously posted up, in not less than three exposed positions in and about their respective places of business, a printed notice in the following words, viz.: "Oleomargarine sold here;" the said notice to be plainly printed, with letters not less than two inches square each. And each and every hotel keeper and restaurant keeper, boarding house keeper, or proprietor of other places where meals are furnished for pay, who may use in their respective places of business any of the article or substance described in the first section of this Act, shall, upon the furnishing of the same to his guests or customers, if inquiry is made, cause each and every guest or customer to be distinctly informed that the said article is not butter, the genuine production of the dairy, but is "oleomargarine."

SEC. 3. Every person or Director, Trustee, officer, or agent of any corporation, who may violate any provision of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment; and it shall be the duty of the Court trying said offense to order the payment of one half of the fine imposed to the person giving the information upon which the prosecution was based and the conviction had, and such fine may be collected by execution as in civil causes.

Penalty for violation.

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

CHAPTER XII.

An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

[Approved March 1, 1883.]

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

SECTION 1. The sum of two thousand two hundred and twelve dollars and fifty-seven cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-second fiscal year.

Deficiency in Prison Transportation Fund, thirty-second year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIII.

An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-second fiscal year.

[Approved March 1, 1883.]

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

Deficiency
in Insane
Transporta-
tion Fund,
thirty-
second year.

SECTION 1. The sum of four thousand one hundred and sixty-four forty-two 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 transportation of the insane for the thirty-second fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIV.

An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year.

[Approved March 1, 1883.]

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

Deficiency
in Prison
Transporta-
tion Fund,
thirty-third
year.

SECTION 1. The sum of fifteen hundred and twenty-nine dollars and fifty-two cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

[Approved March 1, 1883.]

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

Deficiency
in Insane
Transporta-
tion Fund,
thirty-third
year.

SECTION 1. The sum of five thousand and ninety-eight dollars and sixty cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane for the thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVI.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

[Approved March 2, 1883.]

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

SECTION 1. A new section is hereby added to the Political Code, to be known as section three thousand eight hundred and seventeen, and to read as follows:

3817. In all cases where real estate has been or may hereafter be sold for delinquent taxes, and the State has become the purchaser, and has not disposed of the same, the person whose estate has been or may hereafter be sold, or his heirs, executors, administrators, or other successors in interest, shall, at any time after the time of purchase thereof by the State, and before the State shall have disposed of the same, have the right to redeem such real estate by paying to the County Treasurer of the county wherein the real estate is situated the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of State and county tax 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 twenty-five per cent penalty, which may have accrued by reason of such delinquency and sale, and the costs and expenses of such redemption, as hereinafter specified. The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money; and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the State Controller and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received as for other State and county moneys. The County Auditor shall be paid by the redemptioner for making out said estimates the sum of two dollars. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the Treasurer, Controller, and Auditor, any deed or certificate of sale that may have been made to the State shall become

Right to
redeem by
certain
months.

State's deed
becomes
void.

the State under or by virtue of the tax sale, shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor, may be recorded in the Recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by said deed or certificate of sale. This Act shall not apply to school lands when the full amount of one dollar and twenty-five cents per acre has not been paid to the State therefor.

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

CHAPTER XVII.

An Act to provide for the classification of municipal corporations.

[Approved March 2, 1883.]

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

Classes described

SECTION 1. All municipal corporations within the State are hereby classified as follows: Those having a population of more than one hundred thousand shall constitute the first class; those having a population of more than thirty thousand, and not exceeding one hundred thousand, shall constitute the second class; those having a population of more than fifteen thousand, and not exceeding thirty thousand, shall constitute the third class; those having a population of more than ten thousand, and not exceeding fifteen thousand, shall constitute the fourth class; those having a population of more than three thousand, and not exceeding ten thousand, shall constitute the fifth class; those having a population of not exceeding three thousand, shall constitute the sixth class.

Determination based on census

SEC. 2. The census taken under the direction of the Congress of the United States, in the year eighteen hundred and eighty, and every ten years thereafter, shall be the basis upon which the respective populations of said municipal corporations shall be determined, unless a direct enumeration of the inhabitants thereof be made, as in this Act provided, in which case such direct enumeration shall constitute such basis.

Question of reorganization settled by general election.

SEC. 3. The Council, Board of Trustees, or other legislative body of any municipal corporation, may, at any time, cause an enumeration of the inhabitants thereof to be made, and in such manner and under such regulations as such body may by ordinance direct. If upon such enumeration it shall appear that such municipal corporation contains a sufficient number of inhabitants to entitle it to reorganize under a higher or lower class, the Common Council, Trustees, or other legislative body, shall, upon receiving a petition therefor signed by not less than one fifth of the qualified electors thereof, submit to the electors of such city or town, at the next general election to be held therein, the question whether

such city or town shall reorganize under the laws relating to municipal corporations of the class to which such city or town may belong. And thereupon such proceedings shall be had and election held as provided in the general law for the organization, incorporation, and government of municipal corporations. If a majority of the votes cast at such election shall be in favor of such reorganization, thereafter such officers shall be elected as are or may be and at the time prescribed by law for municipal corporations of the class having the population under which such reorganization is had, and from and after the qualification of such officers, such corporations shall belong to such class.

CHAPTER XVIII.

An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

[Approved March 3, 1883.]

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

SECTION 1. An Act entitled an Act to authorize the State Board of Examiners to invest the moneys derived from the State school lands in the bonds of the several counties of this State, approved February second, eighteen hundred and seventy-two, is hereby repealed. Act repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIX.

An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

[Approved March 3, 1883.]

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

SECTION 1. Sections six hundred and eighty and six hundred and eighty-two of the Political Code are hereby amended to read as follows:

680. Whenever and as often as there is in the State treasury the sum of ten thousand dollars as the proceeds of the sale of State school lands, the Board must invest the same When and how investments shall be made.

in the civil funded bonds of this State, or in the bonds of the United States, or in the bonds of the several counties of this State; the investments to be made in such manner and on such terms as the Board shall deem for the best interests of the State School Fund; *provided*, that no bonds of any county 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.

State
Treasurer
custodian of
bonds.

682. All bonds purchased by the Board under the provisions of section six hundred and eighty must be delivered to the State Treasurer, who shall keep them as a special School Fund deposit, the interest upon such bonds to be placed by him to the credit of the State School Fund.

Sec. 2. Section six hundred and eighty-one of the Political Code is hereby repealed.

Sec. 3. This Act shall take effect immediately.

CHAPTER XX.

An Act to amend an Act entitled an Act to create Hastings College of the Law, in the University of the State of California, approved March 26, 1878.

[Approved March 3, 1883.]

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

The Act entitled an Act to create Hastings College of the Law, in the University of the State of California, is hereby amended so as to read as follows:

University
Regents to
control.

SECTION 1. That S. C. Hastings be authorized to found and establish a law college, to be forever known and designated as "Hastings' College of the Law." That the officers of said College shall be a Dean and Registrar. The Regents of the University shall have the same control of the College as they possess over the academic department of the University of California, except as hereinafter provided.

Diplomas.

Sec. 2. The Board of Regents, on recommendation of the Dean and Faculty of the College, shall grant diplomas to the students of the College, and the President shall sign and issue the diplomas.

Halls.

Sec. 3. There shall be set apart for the use of the students of the College some room or suitable hall in the buildings of the University at Berkeley, and the Board of Supervisors of the City of San Francisco shall supply a suitable hall in the City of San Francisco for the use of the College.

Dean.

Sec. 4. The Dean of said College shall be ex officio of the Faculty of the University, and entitled to attend meetings of the Board of Regents at all times when he shall have business of the College to lay before them, and to be heard on all questions affecting the College.

SEC. 5. The business of the College shall be to afford facilities for the acquisition of legal learning in all branches of the law, and to this end it shall establish a curriculum of studies, and shall matriculate students who may reside at the University of the State, as well as students residing in other parts of the State; *provided*, there shall always be in said College a course of lectures upon the duties of municipal officers in the City and County of San Francisco. Business of College.

SEC. 6. Professorships may be established in the name of any founder of such professorships who shall pay to the Regents of the University the sum of thirty thousand (\$30,000) dollars. The son of the founder, Robert P. Hastings, shall be Dean of the College during his lifetime, and after his death or resignation the Dean shall be elected by the members of the highest appellate Court of the State of California, which said Court shall appoint one of the male heirs of the founder, if deemed capable and competent. The Registrar, after the death or resignation of the present incumbent, shall be elected by the Board of Regents. Conditions concerning Deanship.

SEC. 7. The object of this Act being to grant a perpetual annuity for the support and maintenance of said College, should the State or any government which shall succeed it fail to pay to the Regents of the University the sum of seven per cent per annum, as above stipulated, or should the College cease to exist, then the State or its successor shall pay to the said S. C. Hastings, his heirs, or legal representatives, the said sum of one hundred thousand (\$100,000) dollars, and all unexpended accumulated interest; *provided*, that such failure be not caused by mistake, or accident, or omission of the Legislature to make the appropriation at any one session. Conditions of repayment to Hastings.

SEC. 8. No part of the annuity herein provided for shall be expended by the Regents of the University for any other purpose than instruction; *provided, however*, that an amount, not to exceed six hundred dollars per annum, may be used from such annuity to pay for the services of the Registrar. Annuity to be expended for instruction only.

SEC. 9. The Dean, Acting Professors, Lecturers, Readers, and other instructors, shall constitute the Faculty and Examining Board of the College. Faculty.

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

CHAPTER XXI.

An Act to establish and support a Bureau of Labor Statistics.

[Approved March 3, 1883.]

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

SECTION 1. As soon as possible after the passage of this Act, and every four years thereafter, the Governor of the Commissioner to be appointed.

State shall appoint a suitable person to act as Commissioner of a Bureau of Labor Statistics. The headquarters of said Bureau shall be located in the City and County of San Francisco; said Commissioner to serve for four (4) years, and until his successor is appointed and qualified.

Commissioner's bond.

SEC. 2. The Commissioner of the Bureau, before entering upon the duties of his office, must execute an official bond in the sum of five thousand (5,000) dollars, and take to oath of office, all as prescribed by the Political Code for State officers in general.

Duties of Commissioner.

SEC. 3. The duties of the Commissioner shall be to collect, assort, systematize, and present, in biennial reports to the Legislature, statistical details, relating to all departments of labor in the State, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the probable chances of all being employed, the operation of labor saving machinery in its relation to hand labor, etc. Said statistics may be classified as follows:

Industries.

First—In agriculture.

Second—In mechanical and manufacturing industries.

Third—In mining.

Fourth—In transportation on land and water.

Fifth—In clerical and all other skilled and unskilled labor not above enumerated.

Capital and persons employed

Sixth—The amount of cash capital invested in lands, buildings, machinery, material, and means of production and distribution generally.

Seventh—The number, age, sex, and condition of persons employed; the nature of their employment; the extent to which the apprenticeship system prevails in the various skilled industries; the number of hours of labor per day; the average length of time employed per annum, and the net wages received in each of the industries and employments enumerated.

Eighth—The number and condition of the unemployed, their age, sex, and nationality, together with the causes of their idleness.

Sanitary conditions.

Ninth—The sanitary condition of lands, workshops, dwellings, the number and size of rooms occupied by the poor, etc.; the cost of rent, fuel, food, clothing, and water in each locality of the State; also the extent to which labor saving processes are employed to the displacement of hand labor.

Chinese.

Tenth—The number and condition of the Chinese in the State; their social and sanitary habits; number of married, and of single; the number employed, and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amounts expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with the white industrial classes of the State.

State Prison and jails.

Eleventh—The number, condition, and nature of the employment of the inmates of the State Prison, county jails, and reformatory institutions, and to what extent their

employment comes in competition with the labor of mechanics, artisans, and laborers outside of these institutions.

Twelfth—All such other information in relation to labor as the Commissioner may deem essential to further the object sought to be obtained by this statute, together with such strictures on the condition of labor and the probable future of the same as he may deem good and salutary to insert in his biennial reports. Other information.

SEC. 4. It shall be the duty of all officers of State departments, and the Assessors of the various counties of the State, to furnish, upon the written request of the Commissioner, all the information in their power necessary to assist in carrying out the objects of this Act; and all printing required by the Bureau in the discharge of its duty shall be performed by the State Printing Department, and at least three thousand (3,000) copies of the printed report shall be furnished the Commissioner for free distribution to the public. State department officers to assist.

SEC. 5. Any person who willfully impedes or prevents the Commissioner or his deputy in the full and free performance of his or their duty, shall be guilty of a misdemeanor, and upon conviction of the same shall be fined not less than ten (10) nor more than fifty (50) dollars, or imprisoned not less than seven (7) nor more than thirty (30) days in the county jail, or both. Penalty for obstructing.

SEC. 6. The office of the Bureau shall be open for business from nine (9) o'clock A. M. until five (5) o'clock P. M. every day except non-judicial days, and the officers thereof shall give to all persons requesting it all needed information which they may possess. Office hours.

SEC. 7. The Commissioner shall have power to send for persons and papers, whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of said Commissioner; he shall have free access to all places and works of labor. Power of Commissioner.

SEC. 8. The Commissioner shall appoint a deputy, who shall serve the same time and have the same powers as the said Commissioner, as set forth in the preceding sections; he shall procure rooms necessary for offices at a rent not to exceed fifty (50) dollars per month, and may provide the necessary furniture at an expense not to exceed five hundred (500) dollars. Commissioner's deputy.

SEC. 9. The salary of the Commissioner shall be twenty-four hundred (2,400) dollars per annum, and the salary of the Deputy Commissioner shall be fifteen hundred (1,500) dollars per annum, to be audited by the Controller and paid by the State Treasurer in the same manner as other State officers are paid; there shall also be allowed a sum not exceeding five hundred (500) dollars per annum for stationery and other contingent expenses of the Bureau. Salaries

SEC. 10. The sum of ten thousand five hundred (\$10,500) dollars is hereby appropriated, out of any money in the State treasury not otherwise appropriated, for the expenses of the Bureau for the first two years after its organization. Appropriation.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER XXII.

An Act to amend sections three, four, nine, and eleven, 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 15, 1880, so as to create two additional districts.

[Approved March 6, 1883.]

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

Amend-
ment.

SECTION 1. Section three of the Act of which this is amendatory, 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, is amended to read as follows:

Section
three.

Section 3. The Counties of Butte, Colusa, and Tehama, shall constitute Agricultural District Number Three.

Section four.

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

Section 4. The Counties of Sonoma, Marin, Solano, and Napa, shall constitute Agricultural District Number Four.

Section nine.

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

Section 9. The Counties of Humboldt and Del Norte shall constitute Agricultural District Number Nine.

Section
eleven

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

Section 11. The Counties of Plumas, Lassen, Modoc, and Sierra, shall constitute Agricultural District Number Eleven. The Counties of Mendocino and Lake shall constitute Agricultural District Number Twelve; and the Counties of Sacramento, Yolo, Yuba, and Sutter, shall constitute Agricultural District Number Thirteen.

SEC. 5. This Act shall take effect immediately.

CHAPTER XXIII.

An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

[Approved March 6, 1883.]

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

SECTION 1. Section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital

stock of corporations, is hereby amended so as to read as follows:

359. Every corporation may increase or diminish its capital stock at a meeting of the stockholders called for that purpose by the Directors, as follows: May increase or diminish stock.

1. Notice of the time and place of the meeting, stating its object, and the amount to which it is proposed to increase or diminish the capital stock, and the number of shares into which the capital stock is to be divided, must be given by publication thereof in a newspaper of general circulation, published in the county, or city and county, in which the principal office of the corporation is located, for at least sixty days, and posting a copy thereof for the same period in a conspicuous place in said office. If the publication be in a daily newspaper there shall be not less than six insertions per week, and if in a weekly newspaper there shall be not less than nine insertions. Publication of notice.

2. The capital stock must in no case be diminished to an amount less than the indebtedness of the corporation or the estimated cost of the works which it may be the purpose of the corporation to construct, nor shall the capital stock be increased without the consent at said meeting of the persons holding at least two thirds in value of the stock of the corporation. Limitations.

3. If at said meeting it be determined to increase or diminish the capital stock, as the case may be, a certificate must be signed by the Chairman and Secretary of the meeting and a majority of the Directors of the corporation, showing a compliance with the requirements of this section in calling and giving notice of the meeting, the amount of increase or diminution of the capital stock and number of shares, if any change has been made, the names of persons consenting to the action, and amount of stock held by them. The certificate must be acknowledged by the persons making it, before an officer competent to take acknowledgment of deeds. Chairman and Secretary to certify.

4. The certificate must be filed in the office of the County Clerk, where the original articles of incorporation were filed, and a certified copy thereof in the office of the Secretary of State, and thereupon the capital stock shall become increased or diminished as in the certificate set forth composed of the number of shares therein specified. Filing of certificate.

5. If the stockholders, at a meeting called to increase the capital stock of a corporation, direct any special disposition to be made of the stock to be issued in excess of the original capital stock, the Directors shall dispose of the same as so directed. Stockholders may direct.

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

CHAPTER XXIV.

An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

[Approved March 6, 1883.]

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

PART I.

No public work on streets except as here-in provided.

SECTION 1. No public work or improvement of any description whatsoever shall be done or made within any municipality organized and existing for municipal purposes, or hereafter organized, in, upon, or about the streets thereof, the cost or expense of which is made chargeable or may be assessed upon private property by special assessment, except as in this Act provided.

City Council empowered to order.

SEC. 2. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole or any portion of the streets, sidewalks, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes, culverts, curbing, and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, courts, or places.

Method of notification to owners.

SEC. 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 declaring its intention so to do, describing the work and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolutions. 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 passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of fifteen days in one or more daily newspapers published and circulated in said city, and designated by said City Council, or by two successive insertions in a weekly newspaper so published, circulated, and designated. The owners of one half or more of the frontage of the property fronting on said proposed work or improve-

ment may make a written objection to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objection, so delivered and indorsed, shall be a bar for six months to the doing of said work or making said improvement, except that when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, the Clerk shall lay said objection before said City Council, which shall, at its next meeting, fix a time for hearing said objection, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objection, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector. At the time specified, said City Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; *provided*, that when any street or highway shall have been sewered its entire length, and not more than two blocks of said street remain ungraded, said City Council may order the grading, curbing, and macadamizing or graveling of that part of said street, or highway, so remaining ungraded, not exceeding two blocks; and said work of grading, curbing, macadamizing, graveling, culverting, crosswalking, and sidewalking said street or highway for said two blocks and less, shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper; *provided, also*, that if one half or more, in width or in length, of any street lying and being between two main street crossings, has been already improved as aforesaid, said Council may order the remainder improved, notwithstanding such objections of property owners whose property is affected or benefited thereby, and to be assessed to pay the cost and expense 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 within the time allowed for other objections; but the City Council may, in its discretion, overrule all such objections, and if sustained after hearing, to be had as in this section above provided in case of other objections, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do said work or make said improvement; if such objections are overruled by the City Council, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed during which objection to said work or improvement may be made, if no objection shall have been made, or if an objection shall have been made, and said Council, after hearing, shall have overruled the same, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvements to be made, which is authorized by section two of this Act. Before passing any resolution for the construction of said improvements, plans, specifications, and careful estimates of the costs and expenses

How owners may make objection.

When City Council may order work, notwithstanding objections.

thereof shall be furnished to said City Council by the City Engineer of such city.

Publication
of notice.

Proposals
to be accom-
panied by
check.

Examina-
tion of
proposals.

City Engi-
neer to
estimate.

Council may
reject any or
all bids.

Diagram
and estimate
to be made.

SEC. 4. Before giving out any contracts by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be published for at least five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly or semi-weekly newspaper, so published and circulated, and to be conspicuously posted for five days on or near the Council-room door of said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be accompanied by a check payable to the order of the Mayor, certified by a responsible bank, in an amount equal to at least ten per cent of the total amount named in the estimate of the City Engineer, and shall be delivered to the Clerk of said City Council; and said Council shall, in open session, open, examine, and publicly declare the same; *provided, however*, that no proposal shall be considered unless accompanied by such check satisfactory to the Council; and thereafter, but not later than its next regular meeting, said Council may reject the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all bids other than the lowest regular bid of any responsible bidder, and shall thereupon return to the proper parties the respective checks corresponding to such bids so rejected. But the check accompanying such lowest regular proposal or bid shall be held by the City Treasurer of such city, and said proposal or bid itself shall be held by said Council, to be disposed of as hereinafter provided. Upon ascertaining the amount specified in such lowest regular and responsible bid, said Council shall compare the same with the estimate of the cost and expenses theretofore furnished by said City Engineer for said work so bid upon; and if such sum specified in such bid shall be less than or greater than the estimate of said City Engineer, then said City Council shall refer said bid and estimate to said City Engineer for revision, and if, upon revision, said estimate shall correspond in amount with amount specified in such bid, such revised estimate, increased by the incidental expenses of such proposed work, which incidental expenses shall be determined by said Council, shall be and become the estimated costs and expenses of said proposed work; *provided, however*, that in all cases the said Council shall have power, in its discretion, to reject any and all bids, and to readvertise for proposals, as in the first instance, but without readvertising the resolution of intention, and thereafter the same proceedings shall be had as if the rejected bids had not been presented. After proposals have been received, examined, and declared, and after the said Council shall have ascertained the whole costs and expenses of the work, as provided in this section, the said Council shall direct the City Engineer to make a diagram of the property affected or benefited by said proposed work, as described in the resolution of intention therefor, and to be assessed to pay the expenses thereof. Said 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 said Council, the Clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter said diagram shall be delivered to the Superintendent of Streets, together with a statement of the final estimated costs and expenses of such proposed work, fixed as above provided.

SEC. 5. Upon receipt of such diagram and statement, said Superintendent of Streets shall proceed to estimate upon the lands, pieces of land, lots, and portions of lots within said assessment district, as shown by said diagram, the benefits to arise from such proposed work, and to be received by each such lot, portion of lot, piece, or subdivision of land; and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, portions of lots, and subdivisions of land in said assessment district benefited thereby, to wit: upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, pieces, parcels, or subdivisions of land as theretofore determined by him, as above provided; *provided further*, that no assessment shall be levied on any property which, together with all assessments for street improvements that may have been levied upon the same property during the next preceding year, will amount to a sum greater than fifty per cent of the value at which said property was assessed upon the last preceding assessment roll of said city.

Superintendent of Streets to estimate benefits and assess.

Assessments not to exceed fifty per cent of value.

SEC. 6. Within five days after the receipt by him of said diagram and statement, unless further time be granted by said Council therefor, said Superintendent of Streets shall make out and complete an assessment list, which shall show and exhibit in separate columns, first, the name of the owner of each separate lot, piece, parcel, or subdivision of land separately assessed, if known to him, and if the name of the owner be unknown to him, the word "unknown" shall be written opposite the number of each such subdivision of land; second, the assessment number of each separate subdivision of land separately assessed; third, a brief description by lot and block, or otherwise, of each such subdivision of land, which, in connection with the diagram hereinbefore and hereinafter mentioned, shall be sufficient for the identification and location of each such subdivisions of land; fourth, the estimated benefits to each of such subdivisions of land; fifth, the amount assessed separately to each such subdivision; and sixth, a list of all separate lots, pieces, parcels, or subdivisions of land, if any, which are not benefited by said work or improvement. To the assessment list thus completed said Superintendent of Streets shall attach said diagram, showing the relative location of each of said subdivisions of land to the work proposed to be done, each of which said

List of assessments and description of property.

subdivisions of land shall be by him numbered on said diagram to correspond, each respectively, with its assessment number as shown on said assessment list, and said assessment list and said diagram thus attached shall constitute and be known as the "assessment roll;" said assessment roll, when completed, shall be by said Superintendent of Streets filed with the City Clerk.

City Clerk
to publish
notice.

SEC. 7. Upon receiving said assessment roll, said City Clerk shall forthwith give notice, by publication for at least five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly newspaper so published and circulated, that said assessment roll is on file in his office, the date of the filing of the same, and that the same is open for public inspection. The owners of land in said assessment district, whether named or not in said assessment roll, and all other persons directly interested in any property affected by the assessments set forth in said assessment roll, feeling aggrieved by any act or determination of the said Council or said Superintendent of Streets in relation to said assessments or assessment roll, or having or making any objections to the legality of said assessments or assessment roll, or other act, or determination, or proceeding of said Council or Superintendent of Streets, shall, within ten days after first publication of such notice, appeal to said Council by briefly stating their objections in writing and filing the same with the Clerk of said Council. After the expiration of the time above provided for filing such objections, the said Council shall, if any such objections have been filed, fix the time for hearing the same, and shall order the said City Clerk to give notice of the time and place of the hearing of the said objections so filed; and said notice shall be posted by the City Clerk in three of the most public places in said city at least five days prior to the day of such hearing. Upon the hearing of such appeal or appeals, the said City Council shall have power to approve and confirm said assessment roll, or to refer the same back to the said Superintendent of Streets, with directions to alter or modify the same in the particulars specified by the Council in the resolution referring back the same; and in case of such reference back to him, the said Superintendent of Streets shall thereupon proceed to make the alterations and modifications specified in the said resolution of reference of said Council. The alterations and modifications aforesaid having been made, the assessment roll shall be again submitted to the said Council, and if the Council, upon examination, shall find that the alterations and modifications have been made according to the directions contained in said resolution of reference, the said Council shall adopt and confirm the same; but if the said Superintendent of Streets shall have neglected or failed to make the said alterations and modifications, the Council shall again refer the said assessment roll back to the said Superintendent of Streets, and so on until the original resolution of alteration and modification shall have been complied with by said Superintendent of Streets, and then said Council shall adopt and confirm

Hearing of
objections.

Alterations
and modifi-
cations.

said assessment roll. Said City Council, at a meeting subsequent to the expiration of eleven days from and after the first publication by said Clerk of said notice that said assessment roll has been filed with him and is open for public inspection, shall adopt and confirm said assessment roll, in case no appeal shall have been taken, as above provided for in this section. The adoption and confirmation of said assessment roll, as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section, as to all errors, informalities, or irregularities which said Council might have remedied or avoided.

Adoption and confirmation.

SEC. 8. No assessment shall be held invalid, except upon appeal to the City Council, as provided in the preceding section, because of any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, when notice of the intention of the City Council to order the work to be done for which the assessment is made has been published in such newspaper or newspapers of such municipality for the length of time hereinbefore prescribed therefor before the passage of the resolution ordering the work to be done.

No assessment invalid because of informality.

SEC. 9. Upon the adoption and confirmation of the assessment roll as hereinbefore provided, the City Clerk shall indorse thereon his certificate, to the effect that said assessment roll has been adopted and confirmed by the City Council, and shall also give the date of its adoption and confirmation. Said Clerk shall then deliver said assessment roll to the Superintendent of Streets of such city.

City Clerk shall certify.

SEC. 10. The Superintendent of Streets shall thereupon give notice by publication for ten days in one or more daily newspapers published and circulated in such city, or by two successive insertions in a 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, if so required, give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Superintendent of Streets shall certify such fact at the foot of said assessment roll, and shall add said five per cent to the amount of each assessment so delinquent. The said Superintendent of Streets shall, within five days from the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of

Superintendent of Streets to publish notice.

Five percent delinquency

How delinquency shall be collected.

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 cost of advertising then already incurred, shall be paid therewith. The said five per cent, when collected, shall be paid into the General Fund of the city. Said list of delinquent assessments shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly newspaper so published and circulated, before the day of sale of such delinquent assessments. Said time of sale must not be less than seven nor more than ten days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Superintendent of Streets. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent State and county taxes; and the Superintendent of Streets may collect for each certificate fifty cents, and for each deed one dollar. All fees collected by said Superintendent of Streets shall be paid into the General Fund of such city. 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. Before the day of sale for such delinquent assessments the Superintendent of Streets shall, from time to time, pay over to the City Treasurer all moneys collected and received 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, lane, alley, court, or place, for the improvement of which the assessment was made. And whenever sufficient money shall have been received by said Treasurer on account of any such assessment, to pay the said estimated cost and expenses of such work and improvement for the payment of which said assessment was levied and collected, said Treasurer shall report that fact to said Council.

Delinquent sale subject to redemption.

Money to be paid into General Fund.

Award of contract

Restrictions on bidders.

SEC. 11. Upon receiving such notice from said Treasurer, said Council shall order the Treasurer to pay the incidental expenses to the persons entitled thereto, and shall proceed to and shall award the contract for the work and improvement, to pay the cost and expenses of which said moneys shall have been so collected, to that person who shall have theretofore presented the lowest regular responsible bid therefor, as hereinafter provided. If the bidder to whom the contract is thus awarded fails, neglects, or refuses to enter into a contract to perform said work and 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 said city and paid into the fund into which has already been paid said moneys so collected on said assessment. All persons, owners included, who shall fail to enter into contract as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days in the same manner as hereinbefore provided for the publication of proposals for such work. The owners of the major part of said area in square feet of lots and lands assessed for said work shall not be required to present sealed proposals, but may, nevertheless, within said five days after the first publication of notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within said five days, or to commence the work within ten days after the first publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices the same may have been awarded him; but if said original bidder neglects, for fifteen days after the first publication of notice of award, to enter into the contract, then the City Council shall again advertise for proposals as in the first instance, and award the contract for said work to the then lowest regular responsible bidder. If the owners or contractor who may have taken said 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 said Superintendent of Streets shall contract for the completion of the unfinished portion of said work, according to the terms of the original contract therefor, and the costs and expenses so incurred in prosecuting and completing such unfinished work shall be paid out of the moneys theretofore collected to pay for the costs and expenses of such work and improvements, and not otherwise. All contractors, contracting owners included, shall, at the time of executing the contract for such work, execute a bond to the satisfaction of the City Council, which bond shall be twenty-five per cent of the amount of the contract price, with two or more sureties, and payable to such city in such sums as the said City Council shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify, before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions.

Owners may take work at contract price.

Completion of unfinished work.

Contractor's bond.

SEC. 12. The Superintendent of Streets is hereby authorized, in his official capacity, to make all written contracts and receive all bonds authorized by this Act, and to do any other act, either express or implied, that pertains to the Street Department under this Act, and he shall fix the time for the commencement and for the completion of the work, under all contracts entered into by him, which work shall

Superintendent of Streets to make contracts and judge of work.

be prosecuted with diligence from day to day thereafter, to completion, and he may extend the times so fixed from time to time, under the direction of the City Council. The work provided for in section two of this Act must in all cases be done under the direction and to the satisfaction of the Superintendent of Streets, and the materials used shall be such as are required by said Superintendent of Streets, and all contracts made therefor must contain a provision to that effect, and also express notice that in no case, except where it is otherwise provided in this Act, will the city or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed.

Objections to completed work.

SEC. 13. Whenever any contract shall have been completed, the contractors shall notify the Superintendent of Streets, who shall notify said City Council that said work and improvement, and the contract therefor, have been completed. Thereupon said City Council shall direct the City Clerk to give notice by publication for five days, in one or more daily newspapers published and circulated in such city, that said work and improvement, and the contract therefor, have been completed, and that it will hear objections to the manner in which said work has been done on the day therein named, from any or all persons directly interested in said work.

Acceptance of work.

SEC. 14. At the time and place fixed for said hearing of said objections, said Council shall proceed to hear all parties present and desiring to be heard concerning the manner in which said work shall have been done. And whenever said Council shall ascertain that said work and improvement have been completed in all respects according to the terms of the contract therefor, they shall, by resolution, accept such work and improvement, and direct said Superintendent of Streets to issue to said contractor a certificate that said work has been completed according to contract. All acts and determinations of said City Council to be heard under the provision of this and the next preceding section shall be final and conclusive upon all persons entitled to be heard.

Claims for labor and material.

SEC. 15. Whenever any work or improvement shall have been so accepted, the said City Council shall, by resolution, direct the City Treasurer to pay out of the appropriate fund, at the expiration of fifteen days from the passage of such resolution, to the contractor who shall have so completed said work and improvement, the amount to which he is entitled under the terms of his contract; *provided, however*, that such payment by the Treasurer shall be made subject to the following provision, to wit: That any person or persons who have performed labor upon, or furnished materials for the construction of said work or improvement, may file, within said fifteen days, with the City Treasurer, any written claim or claims he or they may make, on account of such labor performed, or materials furnished; and, at the expiration of said fifteen days, said City Treasurer shall pay to said contractor the amount specified in said last named resolution, less the aggregate amount of all such claims, if any, filed in accordance with the provisions of this section. Should any

money be retained by said Treasurer on account of such claim or claims, he shall pay over the amount of each claim only upon the order therefor of said contractor, indorsed by the claimant thereof, or upon the order therefor of any Court of competent jurisdiction.

SEC. 16. And when all moneys required to be paid by the said City Treasurer under the last preceding section shall have been by him paid, as required in said section, if there is any money remaining in the fund out of which said payments shall have been made as aforesaid, it shall be the duty of said Treasurer immediately to report the amount of said remaining moneys to said Council. Thereupon it shall be the duty of said Council to empower and direct said Treasurer to distribute and repay such remaining moneys, and in the proportion of the amounts of the original assessments, to the persons by or for whom said original assessments were paid, or to their legal representatives; and it shall be the duty of said Treasurer, in each instance of such repayment, to require, receive, and file away a receipt for said proportionate amount from said persons, or their legal representatives; and in no case shall a contractor who has failed to fulfill the terms and conditions of his contract be entitled to receive any portion of the contract price therefor, and he shall be deemed to have forfeited all right to recover or receive any compensation whatever under said contract.

Distribution of remaining moneys.

SEC. 17. Whenever any portion of any street, lane, alley, court, or place in said city, improved, or any sidewalk constructed thereon according to law, shall be out of repair and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said Superintendent of Streets to require, by notice in writing, to be delivered to them personally or left on the premises, the owners or occupants of lots, or portions of lots, fronting on said portion of said street, lane, alley, court, or place, or of said portion of said walk so out of repair as aforesaid, to repair forthwith said portion of said street, lane, alley, court, or place to the center thereof, or said sidewalk in front of the property of which he is the owner, or tenant, or occupant; and said Superintendent of Streets shall specify in said notice what repairs are required to be made. After the expiration of three days from the date of the service of said notice, the said Superintendent of Streets shall be deemed to have acquired jurisdiction to contract for the making of the repairs required by said notice. If said repairs be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent of Streets may, under authority from said City Council, make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent of Streets, and such owner, tenant, or occupant shall be liable to pay the same. Upon the completion of said repairs by said contractors as aforesaid to the satisfaction of said Superintendent of Streets, said Superintendent of Streets shall make

Repairs of streets.

When Superintendent may contract for repairs.

and deliver to said contractor a certificate to the effect that said repairs have been properly made by said contractor, and that the charges for the same are reasonable and just, and that he, said Superintendent, has accepted the same.

Contractor's
right to sue.

SEC. 18. If the expenses of the work and material for such improvements, after the completion thereof, and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent, or assignee, on demand, the said contractor, or his assignee, shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and said certificate of the Superintendent of Streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action.

City Council
to prescribe
penalties.

SEC. 19. In addition, and as cumulative to the remedies above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing to make repairs when required, as provided in section seventeen of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the people of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Council, in the payment of the expenses of any such repairs not otherwise provided for.

Character of
records.

SEC. 20. The records kept by the Superintendent of Streets of said city in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, certified by him, may be used in evidence with the same effect as the originals. The same records shall, during all office hours, be open to the inspection of any citizen wishing to examine them.

Service of
notices.

SEC. 21. Notices in writing, which are required to be given by the Superintendent of Streets under the provisions of this Act, may be served by any person, with the permission of the Superintendent of Streets, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent of Streets, or other person authorized to administer oaths; or such notices may be served by the said Superintendent of Streets himself. The Superintendent of Streets shall keep a record of the fact of giving such notices, when delivered by himself personally, and also, of the notices and proof of service when delivered by any other person.

Cleansing of
sewers.

SEC. 22. The Superintendent of Streets shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the Street or Sewer Fund of such city.

Responsibility for
damages.

SEC. 23. If in consequence of any graded street or public highway improved under the provisions of this Act, being out of repair and in condition to endanger persons or property passing thereon, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damages to his person or property, through any

such defect therein, no recourse for damages thus suffered shall be had against such city: but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to the said Superintendent of Streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remain unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

SEC. 24. The City Council of such city shall have full power and authority to construct sewers and manholes, culverts with crosswalks, or culverts, or crosswalks, or sidewalks, or any portion of any sidewalk, upon or in any street, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such Council deems proper.

Power of City Council to construct.

SEC. 25. The City Council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved or macadamized, and may build, repair, and clean sewers, and shall provide a Street Contingent Fund at the same time and in the same manner as other funds are provided out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any street requires regrading, recurbing, repiling, repaving, replanking, regravelling, or reinnacadamizing, or require new culverts, or new crosswalks, or new sidewalks, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

Street Contingent Fund.

SEC. 26. When any street or portion of a street has been or shall hereafter be constructed to the satisfaction of said Superintendent of Streets of such city, under such regulations as said Council shall adopt, the same shall be accepted by said Council, and thereafter shall be kept open and improved by the said city, and the expense thereof shall be paid out of the Street Department Fund; *provided*, that the City Council shall not accept of any portion of a street less than the full width thereof and one block in length, or one entire crossing. The Superintendent of Streets shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

City to keep open and improve.

PART II.

SEC. 27. Whenever the City Council deem it necessary to construct a receiving sewer, then the said Council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, as provided in part one hereof, or said

Construction of sewers.

Council may determine to construct said sewer and pay therefor out of the Street Contingent Fund.

Incurring of indebtedness decided by general election.

SEC. 28. If at any time the City Council shall deem it necessary to incur any indebtedness for the construction of receiving sewers, in excess of the money in the Street Contingent Fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of the sewer or sewers to be constructed, and the amount of money necessary to be raised annually by taxation for an Interest and Sinking Fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a Sinking Fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Creation of the indebtedness

Character of bonds.

SEC. 29. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer. Said bonds shall bear interest, to be fixed by the City Council, at the rate of not to exceed five per cent per annum.

Sale of bonds.

SEC. 30. Before the sale of said bonds the Council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the City and County of San Francisco, and in any other newspaper in the State, at their discretion. The notice shall state that sealed proposals will be received by the Council

for the purchase of the bonds on the day and hour named in the resolution. The Council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

SEC. 31. The Council may sell said bonds, at not less than par value, without the notice provided for in the preceding section. Not less than par.

SEC. 32. The proceeds of the sale of the bonds shall be deposited in the city treasury to the account of the Receiving Sewer Fund, but no payment therefrom shall be made, except to pay for the construction of the sewer or sewers for the construction of which the bonds were issued, and upon the certificate of the Superintendent of Streets and the City Engineer, that the work has been done according to contract. How fund shall be expended.

SEC. 33. Whenever said Council shall determine to construct any receiving sewer and pay therefor out of the Street Contingent Fund, or by the issuance of bonds as above provided, then said Council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the City and County of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, Council having the right to reject any and all bids. The work shall be done and the materials furnished under the supervision and to the satisfaction of the Superintendent of Streets and the City Engineer. Letting of contracts.

PART III.

SEC. 34. *First*—The City Engineer shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the cost and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence, in all the Courts in this State, of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of City Engineer; and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed. Duties of City Engineer.

Second—The words "improve," "improved," and "improvement," as used in this Act, shall include all work mentioned in section two of this Act, and also the reconstruction of all or any portion of said work. Definitions.

Third—The term "incidental expenses," as used in this Act, shall include the compensation of the City Engineer for work done by him, also the cost of printing and advertising, except the advertising of the delinquent assessment list; also,

Definitions. the compensation of Superintendents of sewers, and of piling and capping.

Fourth—The notices required to be published by the provisions of this Act shall be published in a daily, semi-weekly, or weekly newspaper, to be designated by the Council of such city, as often as the same is issued; *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed and circulated in any such city, then such notices as are herein required to be published in a newspaper shall be posted, and kept posted, for the same length of time as required herein for the publication of the same in a semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit.

Fifth—The word "municipality," and the word "city," as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized for municipal purposes.

Sixth—The word "street," as used in this Act, shall be deemed to and is hereby declared to include highways, lanes, alleys, crossings or intersections, courts, and places.

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

Eighth—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.

Ninth—The term "receiving sewer" and "receiving sewers," as used in this Act, shall be construed to mean any and all sewers which are to be used as an outlet for ordinary street sewers, and which are to be used as an outlet for the sewage of a watershed, instead of an outlet for the sewage of the property abutting upon a street.

Tenth—In municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality.

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

SEC. 35. The Superintendent of Streets shall, when necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this

Act, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect; and in case of any departure therefrom, to report the same to the Superintendent of Streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined in this Act.

Construction of laws, etc.

SEC. 36. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 37. This Act shall take effect and be in force from and after its passage.

CHAPTER XXV.

An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

[Approved March 7, 1883.]

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 Code of Civil Procedure of California, to be known as section twelve hundred and seven, to read as follows:

1207. The debtor or creditor intending to dispute a claim presented under the provisions of the last section shall, within ten days after receiving notice of such claim, serve upon the claimant and the officer executing the writ a statement, in writing, verified by the oath of the debtor, or the person disputing such claim, setting forth that no part of said claim, or not exceeding a sum specified, is justly due from the debtor to the claimant for services rendered within the sixty days next preceding the levy of the writ. If the claimant bring suit on a claim which is disputed in part only and fail to recover a sum exceeding that which was admitted to be due, he shall not recover costs, but costs shall be adjudged against him.

Debtor or creditor shall file statement

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVI.

An Act to pay the claim of James Saultry.

[Approved March 7, 1883.]

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

SECTION 1. The sum of two hundred and two dollars and twenty-five cents, being an amount due him from a deficiency

James
Saultry
deficiency.

in the appropriation for the contingent expenses of the Senate for the session of eighteen hundred and seventy-seven-eight, is hereby appropriated to James Saultry out of any moneys in the treasury not otherwise appropriated; and the Controller is authorized to draw his warrant on the Treasurer for the amount, and the Treasurer is hereby directed to pay the same.

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

CHAPTER XXVII.

An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

[Approved March 7, 1883.]

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

Wharf
claim to be
adjusted and
paid.

SECTION 1. The State Board of Harbor Commissioners are hereby authorized and empowered to adjust and pay out of any money in the Harbor Improvement Fund, such amount as Daniel McNeil may be by them found to be equitably entitled to, for the destruction of his wharf, on the northwest corner of Bay and Kearny Streets, provided the amount does not exceed the sum of four thousand three hundred and fifty dollars (\$4,350).

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

CHAPTER XXVIII.

An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

[Approved March 7, 1883.]

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

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

Board of
Harbor Com-
missioners
constituted.

2520. A Board of State Harbor Commissioners, to consist of three persons, is hereby constituted, with such powers and duties as are prescribed by law. On the passage of this Act, the Governor must nominate, and by and with the consent

of the Senate, appoint one of said Commissioners to hold office for two years, one for three years, and one for four years from the dates of their respective commissions, and until their successors are qualified. The said officers must thereafter be nominated by the Governor, and by and with the consent of the Senate, be appointed for four years from the dates of their respective commissions, and until their successors are qualified. If the term of office of any Commissioner expire during the recess of the Senate, the Governor must grant a commission to his successor, which shall be valid to all intents and purposes, subject, however, to the consent of the Senate at its next regular session. If a vacancy occur from any cause in the office of a Commissioner before the expiration of his term, his successor must be appointed and hold office only for the unexpired portion of such term. In case the Senate, during its session, fail to act on or refuse its consent to any nomination the Governor may make of persons to constitute the Board herein first provided for, or to fill a vacancy occurring thereafter by expiration of the term or otherwise, he must, after the adjournment of the Senate, grant a commission for the terms herein provided for, or for the unexpired portion of such term, as the case may be, subject, however, to the consent of the Senate at its next regular session; *provided*, that upon the passage of this Act, the Governor shall nominate three persons to fill such offices for the first term and submit them to the Senate at least one day before its final adjournment. The Commissioner first appointed for four years, and thereafter his successors, shall be the President and executive officer of the Board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and employés, especially in the collection, custody, and disbursement of the revenues, and to require that all the books, papers, and accounts be accurately kept and in proper form, and all the provisions of law and the regulations of the Board be enforced and observed. He may administer official oaths to the officers and employés of the Board, except the other Commissioners, and to all other persons in relation to the business of the Board.

Term of office.

President of the Board.

SEC. 2. Section two thousand five hundred and twenty-one of the same Code is amended to read as follows:

2521. The President of the Board must give an official bond in the sum of fifty thousand dollars, and each of the other Commissioners in the sum of fifty thousand dollars, which must be approved by the Governor and State Treasurer by written indorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the office of the Secretary of State, together with the official oath prescribed by law. The Commissioners shall not be sureties for one another, nor shall any officer of the State, nor any officer or member of the Legislature, be accepted as surety on said bonds. As soon as the Commissioners first appointed under this Act have qualified, the offices of the present Commissioners shall be and are hereby declared to be vacant. The Board, on entering on the duties of their

Bonds

Employés. office, must appoint the following officers, viz.: A Secretary, an Assistant Secretary, an Attorney, a Chief Engineer, a Chief Wharfinger, and such number of Wharfingers and Collectors as they deem necessary. Such officers shall hold for a term of four years from the dates of their respective appointments, but may be removed by the Board at any time, after due investigation, for causes affecting their official character or competency. The order for such removal, stating distinctly the causes therefor, must be entered on their minutes. In case of a vacancy in such offices by the expiration of a term, or for any other cause, the Board must fill the same by an appointment for four years.

SEC. 3. Section two thousand five hundred and twenty-two of the same Code is amended to read as follows:

Duties of Secretary.

2522. The Secretary must keep the office of the Board open every day, legal holidays excepted, from nine o'clock A. M. till four o'clock P. M. He shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the Board, attend their meetings and keep a perfect record of their proceedings, with the names of the Commissioners present thereat. He must keep in proper books an account of all moneys received and paid, and on or before the fifth day of each month must send to the State Controller a statement thereof, under oath, for the preceding month, showing the sources from which such moneys were received, and the purposes for which they were paid, and must also report to the Controller the amount paid to the State Treasurer for the month covered by such statement. He must enter daily, in proper wharf books, the returns made by the Wharfingers and Collectors, and, on the last day of each month, settle the accounts of each of them, and balance the said books as soon as possible thereafter. When money is received from any source he must retain a stub corresponding in number, date, and amount with the receipt given therefor, and he must require the person paying it to sign said stub. He must record at length all contracts and agreements made by the Board, and keep a record of all personal property purchased, and its cost; and in case any be sold, the name of the purchaser, date of sale, and the price received therefor. Before entering on the duties of his office he must give an official bond in the sum of twenty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board by written indorsement thereon, and be filed with such oath in the office of the Secretary of State. The Assistant Secretary shall attend at the office during office hours, and must perform such service as may be required of him by the Secretary or the Board. Before entering on the duties of his office he must give an official bond in the sum of ten thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board by written indorsement thereon, and be filed with such oath in the office of the Secretary of State. The Attorney shall attend to the prosecution and defense of all suits, and render such legal services as may be required of him by the Board. The Chief Engineer must prepare such

Assistant Secretary.

plans and specifications as the Board may direct, and, if ^{Engineer.} adopted and the work ordered by the Board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds, wharves, piers, and landings, of the streets or parts thereof under the jurisdiction of the Board, and when repairs are needed must forthwith report to the Board, in writing, their nature and extent, and if ordered by the Board must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the Board from time to time what dredging is required. He must keep a register, properly indexed, showing the date, place, and character of every piece of work done and dock dredged, when begun and when finished, with proper descriptions and drawings. He must take and subscribe an official oath, and give a bond in the sum of ten thousand dollars, to be approved by the Board by written indorsement thereon. Said bond and oath must be filed in the office of the Board. The Chief Wharfinger must station, ^{Wharfinger.} berth, and regulate the position of vessels in the docks and harbor, and cause them to remove from time to time, and from place to place, as the general convenience, safety, and good order may require. Subject to such regulation, he must assign berths to vessels in the order of their application after entering the harbor. He must supervise the Wharfingers, and report to the Board all cases of failure to perform their duties, and require all shipmasters, consignees, pilots, and masters of towboats to conform to the regulations of the Board. He must require the docks, slips, wharves, piers, and other premises under the jurisdiction of the Board, to be kept free of all obstructions, and when parties fail to obey his order to remove the same, he must forthwith report the fact to the Board, and execute their order in relation thereto. He must take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval, to be indorsed thereon. Said bond and oath must be filed in the office of the Board. The Wharfingers shall have supervision of the wharves to which they are assigned, and must require the regulations of the Board and orders of the Chief Wharfinger to be respected and obeyed, and good order be preserved thereon. The Collectors must collect the revenues in such manner as the Board may direct, and must daily account for and pay all moneys into the office. The Wharfingers and Collectors must each take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval, to be indorsed thereon. Said bond and oath to be filed in their office. All the above named officers must perform such other duties pertaining to their positions as the Board may from time to time prescribe. The Board may, in its discretion, employ an assistant to the Chief Engineer, an assistant to the Chief Wharfinger, a Draughtsman, a Superintendent of Dredgers, and such men on the dredgers, scows, towboats, and fireboats, and in doing urgent repairs, as they deem advisable, and prescribe their bonds, duties, and compensation; such employés shall ^{Other employés.}

hold their positions and be removable at the pleasure of the Board; but no officer or employé of the Board shall be removed or otherwise prejudiced for refusing to contribute to any political fund, or to render any political service; nor shall the Board, collectively or individually, use their official influence to coerce the political action of any of such officers or employés. Nor shall the State dredgers be employed to dredge slips not under the control of the State, nor private work of any character.

SEC. 4. Section two thousand five hundred and twenty-eight of said Code is amended to read as follows:

Moneys
collected.

2528. All moneys collected shall be paid into the State treasury, and be credited to the San Francisco Harbor Improvement Fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, cleaning the wharves and bulkheads, legal and other incidental expenses, and in addition four thousand dollars per month for urgent repairs; which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of the Board, without advertising for proposals therefor. Such moneys may be remitted to the State Treasurer by express.

SEC. 5. Section two thousand five hundred and thirty of said Code is amended to read as follows:

Treasurer
must receipt.

2530. On the payment to the State Treasurer of any sum of money, the Board and the State Treasurer must report to the State Controller the amount so paid, and the Treasurer must give the Board a receipt for the same.

SEC. 6. Section two thousand five hundred and thirty-four of said Code is hereby repealed.

SEC. 7. Section two thousand five hundred and forty-five of said Code is amended to read as follows:

Limitations
upon ap-
pointments.

2545. No person shall be appointed to any office by virtue of this article, nor be employed in the service of the Board, unless he be a qualified elector of the State; nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco, as owner, mortgagee, or otherwise, or as a stockholder in any company owning such vessels, or who is the consignee, the general or freight agent, or manager of any such vessels, or agent or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore in loading and discharging such vessels.

SEC. 8. Section two thousand five hundred and fifty-two of said Code is amended to read as follows:

Salaries.

2552. The monthly salaries of the officers of the Board shall be as follows:

The President, two hundred and fifty dollars;

Each of the other two Commissioners, two hundred and fifty dollars;

The Secretary, two hundred dollars;
 The Assistant Secretary, one hundred and fifty dollars;
 The Attorney, two hundred dollars;
 The Chief Engineer, two hundred and fifty dollars;
 The Chief Wharfinger, two hundred and fifty dollars;
 The Wharfingers, one hundred and twenty-five dollars;
 and,

The Collectors, one hundred dollars.

The Board must fix the compensation of the other employés. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses.

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

CHAPTER XXIX.

An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

[Approved March 7, 1883.]

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

SECTION 1. Whenever the Legislature shall propose any amendment or amendments to the Constitution of this State, which amendment or amendments shall have been passed in the manner and form required by section one, of article eighteen, of the Constitution, and no other mode is provided by law for the submission of such amendment or amendments to the people for their approval, it shall be the duty of the Governor to advertise such proposed amendment or amendments in at least four newspapers of general circulation in this State, for three months next preceding the next general election. One of said newspapers must be published at the City of Sacramento, and two at the City of San Francisco; and in issuing his proclamation for an election at which any amendment or amendments to the Constitution are to be voted upon, he shall include such amendment or amendments therein, and he shall designate them by numbers, in the order in which they have been proposed.

Amendments to the Constitution to be advertised.

SEC. 2. Each amendment shall be voted upon separately from the others, in the manner and form designated by the Governor, which manner and form shall be printed with the amendment or amendments, and for the same length of time that they shall be advertised, as provided in section one of this Act. The ballots used at such election shall contain the words "For the amendment," or the words "Against the amendment," written or printed thereon.

How they shall be voted upon.

SEC. 3. The votes cast for and against such proposed amendment or amendments shall be canvassed in the manner provided by law in the election of State officers, other than Governor and Lieutenant-Governor; and if the people

How the votes shall be canvassed.

shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the Constitution.

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

CHAPTER XXX.

An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

[Approved March 7, 1883.]

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

Regents shall exclusively control funds.

SECTION 1. The Regents of the University of California shall have the exclusive control and management of all the funds, endowments, and donations of the University of California, and are charged with the duty and responsibility of investing and reinvesting the same; *provided*, that said Regents shall deposit in the State treasury for safe keeping such funds and securities as are now by law required to be there deposited.

State Treasurer custodian of funds.

SEC. 2. The Treasurer of the State of California is hereby required to receive and safely keep all funds and securities deposited as herein provided in the State treasury by the Regents of the University of California, subject at all times to the control and management of said Regents; and the State Treasurer shall deliver any or all of said securities and funds so deposited in the State treasury to the Treasurer of the Regents of the University of California, upon presentation to him of a resolution of the said Regents indorsed by the Governor of the State demanding the same or any portion thereof.

Regents may invest and reinvest.

SEC. 3. The Regents of the University of California are authorized and empowered to invest and reinvest any or all the funds of the University of California in such manner and upon such security as they may deem best for the interest of the University of California; *provided*, that they shall in good faith respect all the conditions and limitations of such endowments and donations as have been made under conditions or limitations.

SEC. 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

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

CHAPTER XXXI.

An Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association.

[Approved March 7, 1883.]

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, for the support and maintenance of veterans of the late Mexican and civil wars in indigent circumstances residing in the Veterans' Home, under the auspices of the Veterans' Home Association, a corporation duly created and existing under the laws of this State, the sum of one hundred and fifty dollars per annum for each veteran duly admitted to and residing in such Home; *provided*, that in no one year shall a sum exceeding fifteen thousand dollars be paid by virtue of such appropriation.

Per capita appropriation.

SEC. 2. The aid herein granted shall commence the first day of the month after each such veteran shall commence bona fide to reside in and be supported in such Home, and shall be paid by the State in semi-annual installments.

Semi-annual installments

SEC. 3. *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, and military history of each veteran who is or may hereafter be admitted to such institution, and the estate, or income, if any, to which he may be entitled.

Record book.

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 the 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 date.

Account book.

Third—A payroll shall be kept of the employés and the amounts disbursed to each, and at what rate of wages, and for what length and kind of service.

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 such veteran during his said residence, or to such association for his benefit.

Individual payments.

Fifth—A transcript of such books and payroll, verified by the oath of the manager of such institution, or person in charge of the same, shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claim for State aid, 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 forwarded

Open at all times for 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.

Power of Board of Examiners.

SEC. 4. The State Board of Examiners are authorized in behalf of the State, at any time, to inquire, either in person or by authorized agent, into the management of such institution, and upon refusal after due demand to permit such inquiry, such institution shall not thereafter receive any aid under this Act. All necessary expenses incurred in making such inquiry shall be audited and allowed by the State Board of Examiners out of the appropriations of the State for the aid of such institution.

Presentation of claims to Board.

SEC. 5. Every claim for aid under this Act shall be presented to and audited and allowed by the State Board of Examiners. Such claim shall contain:

1. The name and location of the institution making the claim.
2. The name of the person or persons having charge or control thereof.
3. The number and class of inmates.
4. The date of admission and age of each.
5. The amount of pension or other income the institution is receiving from each inmate.

Such claim, and the statements therein contained, shall be verified by the oath of the Superintendent or other person having charge of the institution, and the Board of Examiners may, in their discretion, require the production of the books of such institution in support of such claim.

SEC. 6. If such claim be audited and allowed, in whole or in part, by said Board, it shall be the duty of the Controller to draw his warrant for the amount thereof in favor of the President and Treasurer of said association; and it shall be the duty of the State Treasurer to pay the same on due presentation.

Full amount of support.

SEC. 7. No person for whose specific support there is paid said institution the sum of twelve dollars and fifty cents or more per month, shall be entitled to any aid under this Act. But if such sum be less than twelve dollars and fifty cents per month, aid shall be granted for such sum only as is necessary to make the full amount of support, including the State aid, twelve dollars and fifty cents per month.

Claims presented semi-annually.

SEC. 8. Such claims or demands for State aid shall be presented to and acted on by said Board, and paid by said Treasurer semi-annually, commencing from the first day of the month after said Home shall be open to and shall receive its inmates. The first of said claims to be so presented at the expiration of six months from said last mentioned time, and each subsequent claim at regular intervals of six months thereafter.

Money; how expended.

SEC. 9. No money appropriated by the State under this Act shall be expended either in improvements or in the erection of new buildings for such institution.

SEC. 10. No person shall be entitled to receive any aid

under this Act unless he has been admitted to and is kept in said Home, by reason of military or naval services; nor unless he has been continuously a resident of this State for three years next prior to his admission to said Home; nor unless he 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. Limitations.

CHAPTER XXXII.

An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

[Approved March 7, 1883.]

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

SECTION 1. An Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March twenty-fifth, eighteen hundred and eighty, is hereby amended by adding a new section thereto, to be known as section nine thereof, and to read as follows: Addition of section.

Section 9. The provisions herein made for the support of orphans, half orphans, and abandoned children, shall be held to include foundlings, and other abandoned infants, who may have been or shall become the inmates of any regularly established foundling asylum, without regard to the time in which such infants have been inmates of such institutions; and the relief herein provided shall be given for any fraction of a year, pro rata; *provided, also*, that the limitation of twenty inmates, mentioned in section seven of this Act, shall, in relation to said foundling asylum, be construed to mean not less than twenty admissions in the course of each year; *and provided further*, that for each abandoned or foundling infant who now is or shall become an inmate of such foundling asylum, there shall be paid by the State the sum of twelve dollars and fifty cents per month from the time of its entrance therein until such infant's decease, or become adopted, or reach the age of eighteen months, after which age such asylum shall receive the same sum for such infants as allowed for full orphans. Provisions to include foundlings.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

[Approved March 8, 1883.]

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

Deficiency
appropriation.

SECTION 1. The following sums are appropriated out of the General Fund in the State treasury: the sum of seven thousand (7,000) dollars to pay a deficiency in the appropriation for stationery, fuel, lights, etc., for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIV.

An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

[Approved March 8, 1883.]

- Districts. SECTION 1. The State is hereby divided into forty Senatorial Districts, constituted as follows:
- First SEC. 2. The Counties of Humboldt and Del Norte shall constitute the First Senatorial District.
- Second. SEC. 3. The Counties of Trinity, Siskiyou, and Shasta, shall constitute the Second Senatorial District.
- Third. SEC. 4. The Counties of Modoc, Lassen, Plumas, and Sierra, shall constitute the Third Senatorial District.
- Fourth. SEC. 5. The County of Butte shall constitute the Fourth Senatorial District.
- Fifth. SEC. 6. The County of Nevada shall constitute the Fifth Senatorial District.
- Sixth. SEC. 7. The Counties of Mendocino and Lake shall constitute the Sixth Senatorial District.
- Seventh. SEC. 8. The Counties of Placer and El Dorado shall constitute the Seventh Senatorial District.
- Eighth SEC. 9. The Counties of Colusa and Tehama shall constitute the Eighth Senatorial District.
- Ninth. SEC. 10. The Counties of Yolo and Napa shall constitute the Ninth Senatorial District.
- Tenth. SEC. 11. The County of Sonoma shall constitute the Tenth Senatorial District.
- Eleventh. SEC. 12. The County of Solano shall constitute the Eleventh Senatorial District.
- Twelfth. SEC. 13. The Counties of Yuba and Sutter shall constitute the Twelfth Senatorial District.
- Thirteenth. SEC. 14. The County of Sacramento shall constitute the Thirteenth Senatorial District.

SEC. 15. The Counties of Amador and Calaveras shall constitute the Fourteenth Senatorial District. Fourteenth.

SEC. 16. The Counties of Marin and Contra Costa shall constitute the Fifteenth Senatorial District. Fifteenth

SEC. 17. All that portion of the County of Alameda comprising the First, Fourth, and Sixth Wards of the City of Oakland, together with the Precincts of West Berkeley, Bay, and Ocean View, shall constitute the Sixteenth Senatorial District. Sixteenth.

SEC. 18. All that portion of the County of Alameda comprising the Second, Third, Fifth, and Seventh Wards of the City of Oakland, together with Precincts of East Berkeley, Temescal, and Piedmont, shall constitute the Seventeenth Senatorial District. Seventeenth

SEC. 19. All that portion of the County of Alameda comprising the Townships of Alameda, Eden, Washington, Murray, and Brooklyn Number Two, shall constitute the Eighteenth Senatorial District. Eighteenth.

SEC. 20. That portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Bryant Street with the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Bryant to Third, Third to Market, Market to Kearny, Kearny to Sacramento, and Sacramento to the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Nineteenth Senatorial District. Nineteenth.

SEC. 21. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Green Street with the waters of the Bay of San Francisco, thence along the center of the following named streets: Green to Mason, Mason to Sutter, Sutter to Kearny, Kearny to Sacramento, Sacramento to the Bay of San Francisco, thence along the shore of said bay to 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 Twentieth Senatorial District. Twentieth.

SEC. 22. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Hyde Street with the waters of the Bay of San Francisco, thence along the center of the following named streets: Hyde to Sutter, Sutter to Mason, Mason to Green, Green to its intersection with the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Twenty-first Senatorial District. Twenty-first.

SEC. 23. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Hyde Street with the waters of the Bay of San Francisco, thence along the center of the following named streets: Hyde to Sutter, Sutter to Van Ness, Van Ness to Eddy, Eddy to Devisadero, Devisadero to Turk, Turk to First Avenue, First Avenue to Avenue B, and Avenue B to its intersection with the waters of the Pacific Ocean, thence northerly and easterly along the shore of the Pacific Ocean Twenty-second.

and the Bay of San Francisco to the place of beginning, together with the islands known as the Farallone Islands, shall constitute the Twenty-second Senatorial District.

Twenty-third.

SEC. 24. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Third and Bryant Streets, thence along the center of the following named streets: Bryant to Fifth, Fifth to Market, Market to Mason, Mason to Sutter, Sutter to Kearny, Kearny to Market, Market to Third, Third to the place of beginning, shall constitute the Twenty-third Senatorial District.

Twenty-fourth.

SEC. 25. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Bryant and Fifth Streets, thence along the center of the following named streets: Bryant to Seventh, Seventh to Market, Market to McAllister, McAllister to Leavenworth, Leavenworth to Sutter, Sutter to Mason, Mason to Market, Market to Fifth, and Fifth to the place of beginning, shall constitute the Twenty-fourth Senatorial District.

Twenty-fifth.

SEC. 26. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Bryant and Seventh Streets, continuing thence along the center of the following named streets: Bryant to Eleventh, Eleventh to Market, Market to Van Ness, Van Ness to Sutter, Sutter to Leavenworth, Leavenworth to McAllister, McAllister to Market, Market to Seventh, and Seventh to the place of beginning, shall constitute the Twenty-fifth Senatorial District.

Twenty-sixth.

SEC. 27. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Bryant Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Bryant to Channel, Channel to Harrison, Harrison to Fourteenth, Fourteenth to Guerrero, Guerrero to Twentieth, Twentieth to Napa, Napa to its intersection with the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Twenty-sixth Senatorial District.

Twenty-seventh.

SEC. 28. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Avenue B and the waters of the Pacific Ocean, thence along the center of the following named streets: Avenue B to First Avenue, First Avenue to Turk Street, Turk to Devisadero, Devisadero to Eddy, Eddy to Van Ness, Van Ness to Market, Market to Eleventh, Eleventh to Channel, Channel to Harrison, Harrison to Fourteenth, Fourteenth to Guerrero, Guerrero to Eighteenth, thence along Eighteenth Street to its western limit, thence in a direct line westerly to an intersection of the eastern limit of K Street, or Avenue, thence along K to the waters of the Pacific Ocean, thence along the shore of the ocean, in a northerly direction, to the place of beginning, shall constitute the Twenty-seventh Senatorial District.

SEC. 29. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of

intersection of a continuation of the line of K Street and the waters of the Pacific Ocean, continuing thence along the center of K Street, or Avenue, to its eastern limit; thence in a direct line easterly to an intersection of the western limit of Eighteenth Street; thence along the center of the following named streets: Eighteenth to Guerrero, Guerrero to Twentieth, Twentieth to Napa, Napa to the waters of the Bay of San Francisco; thence along the shore southerly to its intersection with the boundary line dividing the Counties of San Francisco and San Mateo; thence along said line to its intersection with the waters of the Pacific Ocean; thence northerly along the shore to the place of beginning, shall constitute the Twenty-eighth Senatorial District.

Twenty-eighth

SEC. 30. The County of San Joaquin shall constitute the twenty-ninth Senatorial District.

Twenty-ninth

SEC. 31. The Counties of Merced, Stanislaus, and Tuolumne shall constitute the thirtieth Senatorial District.

Thirtieth

SEC. 32. All that portion of Santa Clara County comprising the Townships of Redwood, Almaden, Gilroy, Burnett, and that portion of San José Township included in the election precincts of East San José, Mt. Hamilton, Evergreen, Oak Grove, the Third Ward of the City of San José, and that portion of the election precinct San José Number Five lying south of the northern boundary line of the City of San José, and the said boundary line prolonged westerly to the township line dividing the Townships of Santa Clara and San José, shall constitute the thirty-first Senatorial District.

Thirty-first

SEC. 33. All that portion of Santa Clara County not included in the Thirty-first Senatorial District shall constitute the Thirty-second Senatorial District.

Thirty-second

SEC. 34. The Counties of San Mateo and Santa Cruz shall constitute the Thirty-third Senatorial District.

Thirty-third

SEC. 35. The Counties of Alpine, Mono, Mariposa, and Fresno, shall constitute the Thirty-fourth Senatorial District.

Thirty-fourth

SEC. 36. The Counties of Monterey and San Benito shall constitute the Thirty-fifth Senatorial District.

Thirty-fifth

SEC. 37. The Counties of Inyo, Tulare, and Kern shall constitute the Thirty-sixth Senatorial District.

Thirty-sixth

SEC. 38. The Counties of San Luis Obispo, Santa Barbara, and Ventura, shall constitute the Thirty-seventh Senatorial District.

Thirty-seventh

SEC. 39. That portion of the County of Los Angeles consisting of the City and Township of Los Angeles, and the Townships of Soledad, San Fernando, La Ballona, and San Antonio, shall constitute the Thirty-eighth Senatorial District.

Thirty-eighth

SEC. 40. All that portion of the County of Los Angeles not included in the Thirty-eighth Senatorial District shall constitute the Thirty-ninth Senatorial District.

Thirty-ninth

SEC. 41. The Counties of San Bernardino and San Diego shall constitute the Fortieth Senatorial District.

Fortieth

SEC. 42. At the general election in the year eighteen hundred and eighty-six there shall be elected forty Senators, one from each Senatorial District. The Senators elected from the odd numbered districts in the year eighteen hundred

Election of Senators.

and eighty-six shall hold office for two years. Their successors shall be elected in the year eighteen hundred and eighty-eight, and every four years thereafter. The Senators elected from the even numbered districts shall hold office for four years. Their successors shall be elected in the year eighteen hundred and ninety, and every four years thereafter.

Boundaries shall not be altered.

SEC. 43. Neither Boards of Supervisors, municipal authorities, or any other officers, shall have power to alter the boundaries of any township, ward, election precinct, or other local subdivision of any county, city, or town, so as to change the boundaries of any Senatorial District as defined in this Act.

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

SEC. 45. This Act shall take effect July first, eighteen hundred and eighty-six.

CHAPTER XXXV.

An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

[Approved March 9, 1883.]

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

Act repealed

SECTION 1. The Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April sixteenth, eighteen hundred and eighty, is hereby repealed.

CHAPTER XXXVI.

An Act authorizing and empowering the Regents of the University of California to convey certain lands.

[Approved March 9, 1883.]

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

Regents empowered to reconvey Cogswell trust.

SECTION 1. The Regents of the University of California are hereby authorized and empowered to reconvey to Henry D. Cogswell, of the City and County of San Francisco, all that certain lot, piece, or parcel of land heretofore conveyed to said Regents of the University of California in trust by said Henry D. Cogswell on the nineteenth day of May, eighteen hundred and seventy-nine, which said property is situate, lying, and being in the City and County of San Francisco, State of California, and more particularly described as follows, to wit: Commencing at a point on the easterly line of Front Street, distant sixty (60) feet northerly from the northeast

corner of the intersection of Front and Jackson Streets; thence northerly along said easterly line of Front Street sixty (60) feet to Clark Street; thence at right angles easterly and along the southerly line of Clark Street eighty-five (85) feet to and including the brick wall and the land on which stands the wall which now constitutes the rear or easterly wall of the building erected on the premises hereby conveyed; thence at right angles southerly and parallel with Front Street sixty (60) feet; thence at right angles westerly and parallel with Jackson Street eighty-five (85) feet to the easterly line of Front Street and point of commencement.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXVII.

An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

[Approved March 9, 1883.]

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

SECTION 1. Justices of the Peace of any township composed in whole or in part of an incorporated city or town, and Justices of the Peace in any city or town, in addition to the jurisdiction and powers now conferred upon them, are authorized and empowered to exercise all powers, duties, and jurisdiction, civil and criminal, of Police Judges, Judges of Police Courts, Recorders' Courts, or Mayors' Courts within such cities. Powers of Justices of the Peace.

SEC. 2. The compensation of the Justice of the Peace of any city or town, who is paid by salary, shall be by warrants for equal monthly payments, drawn each month upon the Salary Fund of such city or town, if there be one; or, if no Salary Fund be provided, then upon the General Fund of such city or town, such warrants to be audited and paid as are salaries of other city officials. Compensation.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXVIII.

An Act to provide an industrial department for the Deaf, and Dumb, and Blind Asylum.

[Approved March 9, 1883.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be paid to the

Directors of the Deaf, and Dumb, and Blind Asylum, and to be expended as follows:

Shops

1. For the purchase of machinery and tools for the equipment of shops for boys, twenty-five hundred dollars.

School.

2. For the erection of a building for a bakery and cooking school for girls, and for the proper equipment of the same, five thousand dollars.

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

CHAPTER XXXIX.

An Act to authorize the erection of a State Agricultural and Industrial Exhibition building on the State Capitol grounds, and to appropriate money therefor.

[Approved March 9, 1883.]

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

Capitol Commissioners to select site.

SECTION 1. The State Capitol Commissioners shall, within ninety days after the passage of this Act, select and set aside not less than four hundred feet square of land in the State Capitol grounds, easterly from the State Capitol, for the purpose of erecting thereon a building, to be known and used as hereinafter provided.

Board of Agriculture to erect.

SEC. 2. The State Board of Agriculture is hereby authorized to erect on the land set aside as provided for in section one, a building to be known as the State Agricultural and Industrial Exhibition building, to be used by them for State exhibitions of the industries and industrial products of the State, and for the safe keeping and preservation of agricultural, mechanical, mining, and other specimens, products, and models of the several branches of industry; *provided*, that said building, when completed, shall not cost in its construction exceeding the sum of eighty thousand dollars.

Capitol Commissioners to approve.

SEC. 3. The general form and plan of said building shall be submitted to and approved by the State Capitol Commissioners and the State Board of Agriculture, and be under their immediate supervision and control. All claims, contracts, or expenses incurred in the erection of said building shall be authenticated by the officers of said Boards before payment can be made thereon or therefor.

Property of the State.

SEC. 4. The said building so erected shall be the property of the State, but shall be subject to the State Board of Agriculture for the purposes and uses specified in this Act, and in the "Act to provide for the management and control of the State Agricultural Society by the State," approved April fifteenth, eighteen hundred and eighty, and such further Acts as may be passed by the Legislature controlling the uses for the benefit of industries mentioned in section two of this Act.

SEC. 5. The sum of forty thousand dollars is hereby

appropriated out of any moneys in the General Fund not otherwise appropriated, for the purposes mentioned in this Act; *provided*, that no part of said forty thousand dollars hereby appropriated shall be drawn from the State treasury until an additional sum of forty thousand dollars, to be also used in the erection of said building, shall have been raised by the City and County of Sacramento, or the people thereof, and paid into the State treasury, both of said sums to be used for the same purpose.

Contingent appropriation.

SEC. 6. This Act shall take effect immediately.

CHAPTER XL.

An Act to amend sections thirty-six hundred and sixty-four, thirty-six hundred and sixty-five, and thirty-seven hundred and thirty-four of, and to add six new sections, to be numbered thirty-six hundred and sixty-six, thirty-six hundred and sixty-seven, thirty-six hundred and sixty-eight, thirty-six hundred and sixty-nine, thirty-six hundred and seventy, and thirty-seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, and to repeal a portion of section thirty-six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section thirty-six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State, and county, and city and county, taxes due upon such assessment.

[Approved March 9, 1883.]

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-four of the Political Code is amended so as to read as follows:

3664. The President, Secretary, or Managing Agent, or such other officer as the State Board of Equalization may designate, of any corporation, and each person, or association of persons, owning or operating any railroad in more than one county in this State, shall, on or before the first Monday in April of each year, furnish the said Board a statement, signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending on the first Monday in March in each year:

Managing officer shall furnish statement.

1. The whole number of miles of railway in the State; and where the line is partly out of the State, the whole number of miles without the State, and the whole number within the State, owned or operated by such corporation, person, or association.

Whole number of miles.

2. The value of the roadway, roadbed, and rails of the whole railway, and the value of the same within the State.

Value.

3. The width of the right of way.

Width.

Rolling
stock.

4. The number of each kind of all rolling stock used by such corporation, person, or association in operating the entire railway, including the part without the State.

5. Number, kind, and value of rolling stock owned and operated in the State.

6. Number, kind, and value of rolling stock used in the State, but owned by the party making the returns.

7. Number, kind, and value of rolling stock owned, but used out of the State, either upon divisions of road operated by the party making the returns, or by and upon other rail-ways.

Also, showing in detail for the year preceding the first of January:

Earnings.

1. The gross earnings of the entire road.

2. The gross earnings of the road in the State, and where the railway is let to other operators, how much was derived by the lessor as rental.

3. The cost of operating the entire, exclusive of Sinking Fund, expenses of land department, and money paid to the United States.

4. Net income for such year, and amount of dividend de-clared.

Stock.

5. Capital stock authorized.

6. Capital stock paid in.

7. Funded debt.

8. Number of shares authorized.

9. Number of shares of stock issued.

10. Any other facts the State Board of Equalization may require.

Description
of road.

11. A description of the road, giving the points of entrance into and the point of exit from each county, with a state-ment of the number of miles in each county. When a de-scription of the road shall once have been given no other annual description thereafter is necessary, unless the road shall have been changed. Whenever the road, or any por-tion of the road, is advertised to be sold, or is sold, for taxes, either State or county, no other description is necessary than that given by, and the same is conclusive upon, the corpo-ration, person, or association giving the description. No assess-ment is invalid on account of a misdescription of the rail-way or the right of way for the same. If such statement is not furnished as above provided the assessment made by the State Board of Equalization upon the property of the corpo-ration, person, or association failing to furnish the statement is conclusive and final.

SEC. 2. Section three thousand six hundred and sixty-five of the Political Code is amended so as to read as follows:

Assessment;
how made.

3665. The State Board of Equalization must meet at the State Capitol on the first Monday in August, and continue in open session from day to day, Sundays excepted, until the third Monday in August. At such meeting the Board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county. Assessment must be made to the corporation, person, or association of persons owning the same, and must be made

upon the entire railway within the State, and must include the right of way, bridges, culverts, wharves, and moles upon which the track is laid, and all steamers which are engaged in transporting passengers, freights, and passenger and freight cars across waters which divide the road. The depots, stations, shops, and buildings erected upon the space covered by the right of way are assessed by the Assessor of the county wherein they are situate. Within ten days after the third Monday of August, the Board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The Board must also, within said time, transmit by mail to the County Auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the whole of the said track within the county, or city and county, including the right of way by metes and bounds or other description sufficient for identification, the assessed value per mile of the same as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation either of the county, city and county, or such township or district. On the first Monday in October, the Board of Supervisors must make, and cause to be entered in the proper record book, an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county; the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school, and road district, or lesser taxing district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment value of said property for taxable purposes in such city, town, township, school, road, or other district; and the Clerk of the Board of Supervisors must transmit a copy of each order or equalization to the City Council, or Trustees, or other legislative body of incorporated cities or towns, the Trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. All such railway property shall be taxable upon said assessment, at the same rates, by the same officers, and for the same purposes, as the property of individuals within such city, town, township, school, road,

Apportionment of assessment.

Duty of Auditor.

Duty of Supervisors.

Dissatisfied
owners.

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 provision of section three thousand six hundred and ninety-two of the Political Code, between the third Monday in August and the third Monday in September, apply to the Board to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it, so as to equalize the same with the assessment of other property in the State. If the Board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment, of the change made, and the Auditor must note such change upon the assessment book or roll of the county as directed by the Board.

SEC. 3. There is added a new section to the Political Code, as follows, to be numbered three thousand six hundred and sixty-six:

Record of
assessments
and apportionment.

3666. The State Board of Equalization must prepare each year a book, to be called "Record of Assessment 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 October 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.

SEC. 4. There is added a new section to the Political Code, as follows, to be numbered three thousand six hundred and sixty-seven:

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 fourth Monday of October the Controller must compute and enter in separate money columns in the "Duplicate Record of Apportionment of Railway Assessments," the respective sums, in dollars and cents, rejecting fractions of a cent, to be paid by the corporation, person, or association liable therefor, as the State tax upon the total amount of the assessment, and the county, or city and county, tax upon the apportionment of the assessment to each county, and city and county, of the property assessed to such corporation, person, or association named in said duplicate record.

Duplicate record.

SEC. 5. There is added to the Political Code a new section, as follows, to be numbered three thousand six hundred and sixty-eight:

3668. Within ten days after the fourth 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 of notice.

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 are now payable and will be delinquent on the last Monday in December 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 December of each year, at six o'clock p. m., all of unpaid taxes are delinquent, and thereafter there must be collected by the State Treasurer, or other proper officer, an addition of five per centum, 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. 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

Delinquent taxes.

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 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. 6. There is added to the Political Code a new section, as follows, to be numbered three thousand six hundred and sixty-nine:

Dissatisfied
owners may
sue Treas-
urer.

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 five per cent added, if to be added, on or before the first Monday in February, and the filing of notice with the Controller of an intention to begin an action, may, not later than the first Monday of February, 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 February of the year succeeding the year in which the taxes

Costs of suit.

were levied, and a failure to begin such action is deemed a waiver of the rights of action.

SEC. 7. There is added a new section to the Political Code, as follows, numbered three thousand six hundred and seventy:

3670. After the first Monday of February 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:

Controller to
and delin-
quents.

(Title of Court.)

The People of the State of California

vs.

(Naming the defendant.)

Form of
complaint.

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 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

Writ to issue.

Evidence of
assessment.

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.

SEC. 8. There is added a new section to the Political Code as follows, to be numbered three thousand six hundred and seventy-one:

Basis of
taxation.

3671. The assessment made by the County Assessor, and that of the State Board of Equalization, as apportioned by the Boards of Supervisors to each city, town, township, school, road, or other district in their respective counties, or cities and counties, shall be the only basis of taxation for the county, or any subdivision thereof, except in incorporated cities and towns, and may also be taken as such basis in incorporated cities and towns when the proper authorities may so elect. All taxes upon townships, road, school, or other local districts, shall be collected in the same manner as county taxes.

SEC. 9. Section three thousand seven hundred and thirty-four of the Political Code is amended so as to read as follows:

Tax
Collector
charged with
full amount.

3734. On delivering the "Duplicate Assessment Book" to the Tax Collector, the Auditor must charge the Tax Collector with the full amount of the taxes levied, except the taxes due upon railway assessments made by the State Board of Equalization, and forthwith transmit by mail to the Controller of State a statement of the amount so charged.

SEC. 10. So much of section three thousand six hundred and fifty of the Political Code as requires the Assessor to put in a separate column of the assessment book the assessment of railways as apportioned to his county by the State Board of Equalization, is hereby repealed.

SEC. 11. All Acts and parts of Acts so far as they conflict with this Act are hereby repealed.

SEC. 12. This Act goes into effect immediately.

CHAPTER XLI.

An Act making appropriations for the support of the government of the State of California, for the thirty-fifth and thirty-sixth fiscal years.

[Approved March 9, 1883.]

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

SECTION 1. The following sums are hereby appropriated out of any money in the State treasury not otherwise appropriated, for the objects hereinafter expressed, for the thirty-fifth and thirty-sixth fiscal years:

For the per diem and mileage of the Lieutenant-Governor and Senators, twenty thousand dollars; Senate and Assembly.

For the per diem and mileage of the Speaker of the Assembly and Assemblymen, forty thousand seven hundred dollars;

For pay of officers and clerks of the Senate, five thousand five hundred dollars;

For pay of officers and clerks of the Assembly, six thousand five hundred dollars;

For contingent expenses of the Senate, ten thousand dollars;

For contingent expenses of the Assembly, fifteen thousand dollars;

For salary of the Governor, twelve thousand dollars; Governor.

For salary of the Governor's Private Secretary, six thousand dollars;

For salary of the Executive Secretary, four thousand dollars;

For pay of porter in office of the Governor, twelve hundred dollars;

For special contingent fund for Governor's office (secret service), five thousand dollars;

For postage, expressage, and telegraphing in the Governor's office, one thousand dollars;

For salary of the Secretary of State, six thousand dollars; Secretary of State.

For salary of the Deputy Secretary of State, four thousand eight hundred dollars;

For salary of bookkeeper in office of the Secretary of State, four thousand dollars;

For salaries of clerks in office of the Secretary of State, seven thousand four hundred dollars;

For pay of porter in office of the Secretary of State, six hundred dollars;

For postage, expressage, and telegraphing in office of the Secretary of State, three thousand dollars (not subject to section four of this Act); contingent expenses of Secretary of State, two hundred dollars;

For salary of the Controller, six thousand dollars; Controller.

For salary of the Deputy Controller, four thousand eight hundred dollars;

For salary of the bookkeeper in the Controller's office, four thousand dollars;

For salaries of clerks in the Controller's office, nine thousand six hundred dollars;

For pay of porter in Controller's office, six hundred dollars;

For contingent expenses in Controller's office, nine thousand six hundred dollars;

For postage, expressage, and telegraphing in the Controller's office, six hundred dollars;

For salary of the Treasurer, six thousand dollars; Treasurer.

For salary of the Deputy Treasurer, four thousand eight hundred dollars;

For salary of the Clerk in the Treasurer's office, three thousand two hundred dollars;

For salaries of watchmen in the Treasurer's office, four thousand eight hundred dollars;

For pay of porter in the Treasurer's office, six hundred dollars;

For postage, expressage, and contingent expenses in the Treasurer's office, three hundred dollars;

Attorney-
General.

For salary of Attorney-General, six thousand dollars;

For salary of the Deputy Attorney-General, four thousand eight hundred dollars;

For pay of the porter in the Attorney-General's office, three hundred dollars;

For postage, expressage, and contingent expenses in the Attorney-General's office, two hundred dollars;

For traveling expenses of the Attorney-General, one thousand dollars;

For costs and expenses of suits, in which the State is a party in interest, six thousand dollars;

Surveyor-
General.

For salary of the Surveyor-General, six thousand dollars;

For salary of the Deputy Surveyor-General, four thousand eight hundred dollars;

For salary of clerks in the office of the Surveyor-General and of the Register of the State Land Office, nine thousand six hundred dollars;

For pay of porter in the Surveyor-General's office, six hundred dollars;

For postage and expressage in the Surveyor-General's office, six hundred dollars; and for contingent expenses, two hundred dollars;

For purchase of maps for, and copying maps in, the Surveyor-General's office, eight hundred dollars;

Superintend-
ent of Public
Instruction.

For salary of the Superintendent of Public Instruction, six thousand dollars;

For salary of the Deputy Superintendent of Public Instruction, three thousand six hundred dollars;

For salary of clerk for the Superintendent of Public Instruction, three thousand two hundred dollars;

For pay of porter in the office of the Superintendent of Public Instruction, four hundred dollars;

For postage and expressage in the office of the Superintendent of Public Instruction, two thousand four hundred dollars; and for contingent expenses, two hundred dollars;

For traveling expenses of the Superintendent of Public Instruction, two thousand dollars;

Adjutant-
General.

For salary of the Adjutant-General, six thousand dollars;

For salary of the Assistant Adjutant-General, three thousand six hundred dollars;

For pay of porter in the Adjutant-General's office, six hundred dollars;

For postage and expressage in the Adjutant-General's office, two hundred dollars;

For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of Adjutant-General, one thousand five hundred dollars;

For payment of armory rents, and other expenses of the

National Guard, one hundred and thirty-five thousand dollars; National Guard.

For salary of the State Librarian, six thousand dollars; State Librarian.

For salaries of the deputies of the State Librarian, seven thousand two hundred dollars;

For pay of a porter in the State Library, one thousand eight hundred dollars;

For postage, expressage, and contingent expenses in the State Library, four hundred dollars; for carpets, furniture, and repairs in State Library, one thousand dollars; *provided*, that the whole amount may be expended in either of the fiscal years;

For salary of Superintendent of the State Printing Office, four thousand eight hundred dollars; State Printing Office.

For support of the State Printing Office, including the pay of the employés, one hundred and forty-five thousand dollars, (exempted from provisions of section four of this Act);

For salaries of the Railroad Commissioners, twenty-four thousand dollars; Railroad Commissioners.

For salary of the Secretary of the Board of Railroad Commissioners, four thousand eight hundred dollars;

For salary of the Bailiff of the Board of Railroad Commissioners, two thousand four hundred dollars;

For the payment of a stenographer who may be employed by the Board of Railroad Commissioners, three thousand dollars;

For fuel, lights, postage, expressage, subscriptions to publications on the subject of transportation, traveling, and other incidental expenses of the Board of Railroad Commissioners, and employés in the discharge of their official duties, two thousand five hundred dollars;

For salary of the State Engineer, twelve thousand dollars; State Engineer.

For salary of the Secretary of the State Engineer, three thousand two hundred dollars;

For completion of the State Engineer's irrigation investigation report and maps, and the State maps as per the estimate on Third Progress Report of the State Engineer; for the making of a correct outline map of each county in the State, and for the revision of the legal descriptions of all such county boundaries to correspond with said outline maps, together with a report on the same to the Legislature of eighteen hundred and eighty-five, twenty thousand dollars;

For office rent of Board of Railroad Commissioners, two thousand four hundred dollars;

For salaries of members of the State Board of Equalization, twenty-four thousand dollars; State Board of Equalization.

For salary of the Clerk of the State Board of Equalization, three thousand six hundred dollars;

For pay of a porter for the State Board of Equalization, six hundred dollars;

For postage, expressage, telegraphing, and contingent expenses of the State Board of Equalization, one thousand dollars;

For traveling expenses of members of the State Board of

- Equalization, when traveling on official business, four thousand dollars;
- State Board of Health. For salary of Secretary of the State Board of Health, five thousand dollars;
- For mileage and expenses of the State Board of Health, two thousand five hundred dollars;
- Insurance Commissioner. For salary of the Insurance Commissioner, six thousand dollars;
- For salary of the Clerk of the Insurance Commissioner, three thousand two hundred dollars;
- For rent and contingent expenses in the office of the Insurance Commissioner, four thousand dollars;
- Employés State Capitol grounds. For pay of employés of State Capitol buildings and grounds, thirty-seven thousand eight hundred dollars;
- Water for Capitol grounds. For water for irrigating, purchase of hose, and implements to be used on the State Capitol grounds, three thousand dollars;
- Repairs to Capitol. For repairs to the State Capitol and the furniture, six thousand dollars;
- Water. For water to be used in the State Capitol building, twelve hundred dollars;
- Rewards. For payment of rewards offered by the Governor, four thousand dollars;
- Arresting criminals. For arresting criminals without the limits of the State, four thousand dollars;
- Highway robbers. For rewards for the arrest and conviction of highway robbers, six thousand dollars;
- Traveling expenses Attorney-General and Surveyor-General. For traveling expenses of the Surveyor-General and the Attorney-General, when engaged in contests between the State and United States about public lands, one thousand dollars;
- For payment of interest on one hundred thousand dollars, at seven per cent per annum, to the Directors of the Hastings College of Law, fourteen thousand dollars;
- Ballot paper. For purchase of ballot paper, and not to be used till the paper is needed to supply demands, seven thousand dollars;
- For purchase of Supreme Court Reports, five thousand four hundred dollars;
- Official advertising. For official advertising, one thousand five hundred dollars; not to be used by any public institution or department for the support of which an appropriation has been made;
- Fish. For the restoration and preservation of fish in the waters of the State, and stocking such waters with new varieties, ten thousand dollars;
- For stationery, fuel, and lights for the Legislature and State officers, twenty-five thousand dollars;
- U. S. Land Offices. For services of Registers and Receivers of United States Land Offices, one thousand five hundred dollars;
- Yosemite Valley. For salary of the Guardian of the Yosemite Valley, two thousand dollars;
- Viticultural Commissioners. For traveling expenses of the Board of Commissioners of the Yosemite Valley, two thousand dollars;
- For the uses of the Board of State Viticultural Commissioners, to be expended pursuant to the provisions of an Act approved March fourth, one thousand eight hundred and

eighty-one, and not more than one half thereof to be expended during the thirty-fifth fiscal year, twenty thousand dollars;

For traveling expenses of the State Board of Education, five hundred dollars; Board of Education.

For support of the State Normal School at San José, eighty thousand dollars; Normal School.

For support of the Branch Normal School at Los Angeles, thirty thousand dollars; Branch Normal School.

For education and care of the deaf, dumb, and blind, eighty-eight thousand dollars; Deaf, Dumb, and Blind.

For the Mechanical and Mining Arts College at the State University, to continue the operation thereof and advance the instruction therein, eighteen thousand dollars, of which amount ten thousand dollars shall be expended for the Mechanical and eight thousand for the Mining Art College thereof; Mining Arts College.

For continuing the special investigations and operations of the Agricultural Department of the State University, fifteen thousand dollars; Agricultural investigations.

For care of the State burial grounds, two hundred dollars; State Burial Grounds.

For support of the Insane Asylum at Stockton, three hundred and sixty thousand dollars; Insane Asylum Stockton.

For support of the Insane Asylum at Napa, three hundred and eighty-five thousand dollars; Insane Asylum Napa.

For the purpose of painting the Napa State Asylum for the Insane, the sum of two thousand five hundred dollars, to be drawn during the thirty-fifth fiscal year;

For fencing for the lands of the Napa State Asylum for the Insane, the sum of three thousand dollars, to be drawn during the thirty-fifth fiscal year;

For transportation of the insane to the Asylums, fifty-two thousand dollars; Transportation of insane.

For support of the State Prison at San Quentin, one hundred and twenty thousand dollars; State Prison at San Quentin.

For support of the Branch State Prison at Folsom, one hundred and sixty thousand dollars; State Prison at Folsom.

For transportation of prisoners to the State Prisons, forty-two thousand dollars; Transportation of prisoners.

For aid of the State Agricultural Society, fifteen thousand dollars; State Agricultural Society.

For aid of District Agricultural Society, Number One, four thousand dollars; District Societies.

For aid of District Agricultural Society, Number Two, three thousand dollars;

For aid of District Agricultural Society, Number Three, three thousand dollars;

For aid of District Agricultural Society, Number Four, three thousand dollars;

For aid of District Agricultural Society, Number Five, two thousand four hundred dollars;

For aid of District Agricultural Society, Number Six, two thousand four hundred dollars;

For aid of District Agricultural Society, Number Seven, two thousand four hundred dollars;

- For aid of District Agricultural Society, Number Eight, two thousand four hundred dollars;
- For aid of District Agricultural Society, Number Nine, one thousand six hundred dollars;
- For aid of District Agricultural Society, Number Ten, one thousand six hundred dollars;
- For aid of District Agricultural Society, Number Eleven, two thousand four hundred dollars;
- For aid of District Agricultural Society, Number Twelve, one thousand six hundred dollars, when organized;
- For aid of District Agricultural Society, Number Thirteen, three thousand dollars, when organized;
- Supreme Court. For salaries of Justices of the Supreme Court, eighty-four thousand dollars;
- For salary of the Reporter of the decisions of the Supreme Court, five thousand dollars;
- For salary of the Deputy Reporter of the decisions of the Supreme Court, four thousand eight hundred dollars;
- For salary of the Clerk of the Supreme Court, six thousand dollars;
- For salaries of Deputy Clerks of the Supreme Court, eighteen thousand dollars;
- For salaries of Secretaries of the Justices of the Supreme Court, six thousand four hundred dollars;
- For salaries of the Bailiffs of the Supreme Court, and for performing the work of porters also for the Court, four thousand eight hundred dollars;
- For pay of a porter for the Clerk of the Supreme Court, six hundred dollars;
- For postage, expressage, and contingent expenses of the Supreme Court, two hundred dollars;
- For postage, expressage, and contingent expenses of the Clerk of the Supreme Court, five hundred dollars;
- For the expenses of the Supreme Court which may be incurred under section forty-seven of the Code of Civil Procedure, thirty-two thousand and eight hundred dollars;
- Superior Judges. For the State's portion of the salaries of the Superior Judges, two hundred and thirty-eight thousand dollars;
- Electors. For the mileage and pay of Presidential Electors, five hundred dollars;
- State University. For the sum appropriated to the State University by an Act approved March fourth, eighteen hundred and eighty-one, which is hereby re-appropriated, four thousand seven hundred and eighty-five dollars;
- Bank Commissioners. For salaries of the Bank Commissioners, eighteen thousand dollars;
- For salary of the Clerk of the Board of Bank Commissioners, three thousand six hundred dollars;
- For traveling expenses of the Bank Commissioners, when on official business, three thousand dollars;
- For stationery, fuel, and lights, for the Bank Commissioners, four hundred dollars;
- For postage, expressage, and contingent expenses of the Bank Commissioners, four hundred dollars;

For rent of office for Bank Commissioners, one thousand eight hundred dollars;

For Physical Laboratory of State University, five thousand five hundred dollars, to be expended under the direction of the Professor of Physics;

State University Departments

For department of Engineering, State University, five thousand dollars;

For continuing and completing work of the department of Viticulture of the State University, two thousand dollars;

For continuing the work of the Agricultural Laboratory of the State University, one thousand eight hundred dollars;

For salary of the Secretary of the Lake Bigler Forestry Commission, three thousand dollars;

Forestry.

For furnishing the Bacon Library building, two thousand five hundred dollars;

Bacon Library.

For plumbing, repairing of roof, and ventilation of the Senate and Assembly chambers, and water-closets in and painting and renovating of the State Capitol, fifteen thousand dollars, all of which sum may be drawn in the thirty-fifth fiscal year.

Repairs to Capitol.

For indexing the laws and journals in the office of Secretary of State, four hundred dollars.

Indexing.

SEC. 2. The sums herein appropriated for the contingent expenses of the Senate and Assembly, shall be disbursed under the direction of the bodies respectively to which they belong, and shall not be subject to the provisions of section six hundred and seventy-two of the Political Code. No money appropriated for the support of the institutions of the State shall be used for permanent improvements, but shall be applied solely to the payment of the salaries and traveling expenses of the Commissioners or Directors of the institutions, when their salaries and traveling expenses are by law made payable from such appropriations, the salaries of the employes, the purchase of materials and supplies for the use of the specified institutions, and such incidental expenses as may be necessary for the proper maintenance thereof.

Appropriations; how used.

SEC. 3. The State officers, except the Governor and the officers of the institutions under the control of the State, to whom and for which appropriations other than for salaries are made by this Act, shall, with their biennial report, submit a detailed statement under oath of the manner in which such appropriations (other than for salaries) for their respective departments and institutions have been expended; and the State Board of Examiners are hereby expressly prohibited from allowing any demands payable out of such appropriations until the same shall have been presented in itemized form, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expense thereof; if for articles purchased, together with the price paid for each, and of whom purchased, with the date of the purchase; *provided*, that no officer shall use any money appropriated by this Act for any purpose whatever except he be authorized by law to make such use of it.

Officers to submit statement.

SEC. 4. Not more than one half of any sum appropriated under this Act shall be expended during the thirty-fifth fiscal

year, unless such sum is exempted from the operation of this section.

Expenditure
in excess
prohibited.

SEC. 5. The officers of the various departments, Boards, Commissioners, and institutions, for whose benefit and support appropriations are made by this Act, are expressly forbidden any expenditure in excess of such appropriations, except the unanimous consent of the State Board of Examiners be first obtained, and a certificate in writing of the unavoidable necessity for such expenditure, duly signed by every member of said Board; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void.

CHAPTER XLII.

An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

[Approved March 9, 1883.]

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

Improving
University
grounds.

SECTION 1. The sum of eleven thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purpose of protecting and improving the buildings, site, and grounds of the University of California.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLIII.

An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine, of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to the preservation of game and fish.

[Approved March 9, 1883.]

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 hereby amended so as to read as follows:

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 quail, partridges,

or grouse, or rail, is guilty of a misdemeanor. Every person who, in any of the counties of this State, at any time takes, gathers, or destroys the eggs of any quail, partridge, or grouse, is guilty of a misdemeanor. Every person who, in this State, between the first day of January and the first day of June in each year, hunts, pursues, takes, kills, or destroys doves, is guilty of a misdemeanor. Every person who, between the first day of November in each year and the first day of July in the following year, hunts, pursues, takes, kills, or destroys any male deer or buck, is guilty of a misdemeanor. Any person in the State of California, who has in his possession any hides or skins of any deer, elk, antelope, or mountain sheep, killed between the first day of November and the first day of July, is guilty of a misdemeanor. Every person who shall at any time in the State of California hunt, pursue, take, kill, or destroy any antelope, elk, mountain sheep, female deer, 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. Every person who shall take, kill, or destroy any of the animals mentioned in this section at any time, unless the carcass of such animal is used or preserved by the person taking or slaying it, or is sold for food, is guilty of a misdemeanor. Every person who shall buy, sell, offer, or expose for sale, transport, or have in his possession any deer from which 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.

Close seasons

Other provisions.

SEC. 2. Section number six hundred and thirty-one of the Penal Code of California is hereby amended so as to read as follows:

631. Every person who shall at any time net, pound, weir, cage, or trap any quail, partridge, or grouse, and every person who shall sell, buy, transport, or give away, or offer or expose for sale, or have in his possession any quail, partridge, or grouse that have been snared, captured, or taken in or by means of any net, pound, weir, cage, or trap, is guilty of a misdemeanor. Proof of possession of any quail, partridge, or grouse which shall not show evidence of having been taken by means other than a net, pound, weir, cage, or trap, shall be prima facie evidence in any prosecution for a violation of the provisions of this section, that the person in whose possession such quail, partridge, or grouse is found, took, killed, or destroyed the same by means of a net, pound, weir, cage, or trap.

Quail and Partridges.

SEC. 3. Section six hundred and thirty-two of the Penal Code of California is hereby amended so as to read as follows:

632. Every person who, in the State of California, at any time, takes or catches any trout, except with hook and line, is guilty of a misdemeanor. Any person or persons who shall, at any time, take, procure, or destroy any fish of any kind by means of explosives, is guilty of a misdemeanor.

Trout.

SEC. 4. Section six hundred and thirty-four of said Code is hereby amended as follows:

634. Every person who, between the thirty-first day of

Salmon and
shad.

July and the first day of September of each year, takes or catches, buys, sells, or has in his possession any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or assist in setting or drawing, any net or seine for the purpose of taking or catching salmon or shad in any of the public waters of this State, at any time between sunrise of each Saturday and twelve o'clock noon of the following Sunday, is guilty of a misdemeanor. Every person who shall, for the purpose of catching salmon or shad in any of the navigable rivers, streams, or sloughs of this State, fish with or use any seine, or net, the meshes of which are, when drawn close together and measured longitudinally, less than seven and one half inches in length, is guilty of a misdemeanor.

SEC. 5. Section six hundred and thirty-six of the Penal Code of California is hereby amended so as to read as follows:

Nets.

636. Every person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir, set-net, trap, or any other fixed or permanent contrivance for catching fish in the waters of this State, is guilty of a misdemeanor. Every person who shall cast, extend, or set any seine or net of any kind for the catching of fish in any river, stream, or slough of this State which shall extend more than one third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Every person who, by seine or any other means, shall catch the young of fish of any species, and who shall not return the same to the water immediately and alive, or who shall sell or offer for sale any such fish, fresh or dried, is guilty of a misdemeanor. Every person convicted of a violation of any of the provisions of this chapter shall be punished by fine of not less than fifty dollars and not more than three hundred dollars, or imprisonment in the county jail of the county where the offense was committed for not less than thirty days nor more than six months, or by both such fine and imprisonment. One half of all moneys collected for fines for violation of the provisions of this chapter shall be paid to informers and one half to the District Attorney of the county in which the action is prosecuted; all other costs shall be charged against the county in which the action is prosecuted. Nothing in this chapter shall be construed to prohibit the United States Fish Commissioners or the Fish Commissioners of the State of California from taking such fish as they shall deem necessary for the purpose of artificial hatching, nor at any time. It shall not be lawful for any person to buy or sell, or offer or expose for sale within this State, any kind of trout (except brook trout) less than eight inches in length. Any person violating the provisions of this section is guilty of a misdemeanor.

Penalty and
moneys.

Sections
repealed.

SEC. 6. Section number six hundred and twenty-seven of the Penal Code of California is hereby repealed.

SEC. 7. Section number six hundred and twenty-eight of the Penal Code of California is hereby repealed.

SEC. 8. Section number six hundred and twenty-nine of the Penal Code of California is hereby repealed.

SEC. 9. This Act to take effect on the first day of July, eighteen hundred and eighty-three.

CHAPTER XLIV.

An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring county Boards of Education in the several counties to divide certain schools into primary and grammar grades, to prescribe a course of study for such grades and for a grammar school course, to provide for examinations therein, and that school districts may elect to have the grammar school course taught in their respective districts.

[Approved March 9, 1883.]

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

SECTION 1. Section one thousand six hundred and sixty-three of the Political Code of the State of California is hereby amended to read as follows:

1663. 1. All schools, unless otherwise provided by law, must be divided into primary and grammar grades. The county Board of Education must, on or before the first day of July, eighteen hundred and eighty-three, prescribe the course of study in each grade, provided that it shall not conflict with section one thousand six hundred and sixty-five of this Code. Division into grades.

2. The Board shall also prescribe a course of study not in conflict with said section one thousand six hundred and sixty-five, that will fit and prepare the students therein to enter the Scientific Department of the University of California, to be divided into four grades requiring one year to each grade, and to be known as the grammar school course. Course of study.

3. The grammar school course shall apply to and be taught in school districts which have elected to have the same taught as hereinafter provided.

4. The Board of Trustees of any district may by order duly made and entered on its minutes, upon petition or otherwise, call meetings of the qualified electors of the district as provided in subdivision twenty, of section sixteen hundred and seventeen of this Code, to determine whether the grammar school course shall be taught in such district. Electors to decide.

5. If such course shall be chosen, it shall thereafter in such district take the place of and be substituted for the course prescribed for the grammar grade.

6. The County Board of Education shall provide and require that examinations in each of said courses shall take place at stated periods, not less than twice in each school year, for promotion. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade and in the grammar school course for those who satisfactorily pass the required examination. Examinations.

7. The County Board of Education may amend and change, subject to said section sixteen hundred and sixty-five, either of the above courses of study whenever necessary.

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

CHAPTER XLV.

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

[Approved March 10, 1883.]

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

Contingent
expenses
Senate.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys not otherwise appropriated, to appropriate money for the contingent expenses of the Senate, for the twenty-fifth session of the Legislature; and the Controller is hereby authorized to draw his warrants for the amount, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

An Act to amend section five hundred and five (505) of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to street railroad corporations.

[Approved March 13, 1883.]

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

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

Street rail-
roads must
furnish
tickets.

505. Every street railroad corporation must provide, and on request furnish to all persons desiring a passage on its cars, any required quantity of passenger tickets or checks, each to be good for one ride. Any corporation failing to provide and furnish tickets or checks to any person desiring to purchase the same at not exceeding the rate hereinbefore described, shall forfeit to such person the sum of two hundred dollars, to be recovered as provided in the preceding section; *provided*, that the provisions of this section shall not apply to such street railroad corporations as charge but five cents fare.

Penalty.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVII.

An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

[Approved March 13, 1883.]

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: Number of Districts.

SEC. 2. The Counties of Del Norte and Siskiyou shall constitute the First Assembly District. First.

SEC. 3. That portion of the County of Humboldt, comprising the Townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport, shall constitute the Second Assembly District. Second.

SEC. 4. All that portion of Humboldt County not included in the Second Assembly District, shall constitute the Third Assembly District. Third.

SEC. 5. The Counties of Trinity and Shasta shall constitute the Fourth Assembly District. Fourth.

SEC. 6. The Counties of Modoc and Lassen shall constitute the Fifth Assembly District. Fifth.

SEC. 7. The Counties of Plumas and Sierra shall constitute the Sixth Assembly District. Sixth.

SEC. 8. The County of Tehama shall constitute the Seventh Assembly District. Seventh.

SEC. 9. That portion of the County of Butte, comprising all of Chico and Dayton Townships; all of Oregon Township lying west of the meridian line dividing ranges two and three east, in townships twenty and twenty-one north, Mount Diablo base and meridian; all of Hamilton Township, except that part of said township lying east of the section boundary lines of sections four, nine, and sixteen, and north of sections twenty-seven, twenty-six, and twenty-five, township nineteen north, range three east, Mount Diablo base and meridian, as laid down on the official map of said Butte County, and all of Gridley Township, in said county, as recently set off from Hamilton Township by the Board of Supervisors of said county, shall constitute the Eighth Assembly District. Eighth.

SEC. 10. All that portion of Butte County not included in the Eighth Assembly District, shall constitute the Ninth Assembly District. Ninth.

SEC. 11. The County of Colusa shall constitute the Tenth Assembly District. Tenth.

SEC. 12. The County of Mendocino shall constitute the Eleventh Assembly District. Eleventh.

SEC. 13. The County of Lake shall constitute the Twelfth Assembly District. Twelfth.

SEC. 14. The Counties of Sutter and Yuba shall constitute the Thirteenth Assembly District. Thirteenth.

- Fourteenth.** SEC. 15. All that portion of the County of Nevada comprising the Townships of Nevada, Bloomfield, and Eureka, and the Precincts of Cherokee and North San Juan, in Bridgeport Township, shall constitute the Fourteenth Assembly District.
- Fifteenth.** SEC. 16. All that portion of the County of Nevada not included in the Fourteenth Assembly District, shall constitute the Fifteenth Assembly District.
- Sixteenth.** SEC. 17. The County of Placer shall constitute the Sixteenth Assembly District.
- Seventeenth.** SEC. 18. The County of El Dorado shall constitute the Seventeenth Assembly District.
- Eighteenth.** SEC. 19. All that portion of the County of Sacramento comprising the First and Third Wards of Sacramento City, shall constitute the Eighteenth Assembly District.
- Nineteenth.** SEC. 20. All that portion of the County of Sacramento comprising the Second and Fourth Wards of Sacramento City, shall constitute the Nineteenth Assembly District.
- Twentieth.** SEC. 21. All that portion of the County of Sacramento not included in the Eighteenth and Nineteenth Assembly Districts, shall constitute the Twentieth Assembly District.
- Twenty-first.** SEC. 22. The County of Yolo shall constitute the Twenty-first Assembly District.
- Twenty-second.** SEC. 23. The County of Napa shall constitute the Twenty-second Assembly District.
- Twenty-third.** SEC. 24. That portion of the County of Sonoma comprising the Townships of Cloverdale, Washington, Mendocino, Salt Point, Redwood, Bodega, and Ocean, shall constitute the Twenty-third Assembly District.
- Twenty-fourth.** SEC. 25. That portion of the County of Sonoma comprising the Townships of Annally, Santa Rosa, Knight's Valley, and Russian River, shall constitute the Twenty-fourth Assembly District.
- Twenty-fifth.** SEC. 26. All that portion of the County of Sonoma not included in the Twenty-third and Twenty-fourth Assembly Districts, shall constitute the Twenty-fifth Assembly District.
- Twenty-sixth.** SEC. 27. All that portion of the County of Solano comprising the Townships of Vallejo and Benicia shall constitute the Twenty-sixth Assembly District.
- Twenty-seventh.** SEC. 28. All that portion of the County of Solano not included in the Twenty-sixth Assembly District, shall constitute the Twenty-seventh Assembly District.
- Twenty-eighth.** SEC. 29. The County of Marin shall constitute the Twenty-eighth Assembly District.
- Twenty-ninth.** SEC. 30. 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 Bryant Street intersects the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Bryant to First, First to Minna, Minna to Second, Second to Market, Market to Kearny, Kearny to Sacramento, Sacramento to the waters of the Bay of San Francisco, thence along the shore to the place of beginning, shall constitute the Twenty-ninth Assembly District.
- SEC. 31. All that portion of the City and County of San

Francisco bounded as follows: Commencing at the intersection of the center of Bryant and First Streets, continuing thence along the center of the following named streets: Bryant to Third, Third to Market, Market to Second, Second to Minna, Minna to First, and First to the place of beginning, shall constitute the Thirtieth Assembly District. Thirtieth.

SEC. 32. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Sacramento Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Sacramento to Kearny, Kearny to Sutter, Sutter to Stockton, Stockton to Pacific, Pacific to the waters of the Bay of San Francisco, thence along the shore of said bay to 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 Thirty-first Assembly District. Thirty-first.

SEC. 33. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Pacific Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Pacific to Stockton, Stockton to Sutter, Sutter to Mason, Mason to Green, Green to the waters of the Bay of San Francisco, thence along the shore of said Bay of San Francisco to the place of beginning, shall constitute the Thirty-second Assembly District. Thirty-second.

SEC. 34. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of Green Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Green to Mason, Mason to Sutter, Sutter to Jones, Jones to Greenwich, Greenwich to the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Thirty-third Assembly District. Thirty-third.

SEC. 35. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Greenwich Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Greenwich to Jones, Jones to Sutter, Sutter to Hyde, Hyde to the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Thirty-fourth Assembly District. Thirty-fourth.

SEC. 36. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Bryant and Third Streets, continuing thence along the center of the following named streets: Bryant to Fourth, Fourth to Market, Market to Stockton, Stockton to Sutter, Sutter to Kearny, Kearny to Market, Market to Third, Third to the place of beginning, shall constitute the Thirty-fifth Assembly District. Thirty-fifth.

SEC. 37. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Fourth and Bryant Streets, thence along the center of the following named streets: Bryant to Fifth, Fifth to

Market, Market to Mason, Mason to Sutter, Sutter to Stockton, Stockton to Market, Market to Fourth, and Fourth to the place of beginning, shall constitute the Thirty-sixth Assembly District.

Thirty-seventh.

SEC. 38. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Fifth and Bryant Streets, continuing thence along the center of the following named streets: Bryant to Sixth, Sixth to Market, Market to Taylor, Taylor to Sutter, Sutter to Mason, Mason to Market, Market to Fifth, and Fifth to the place of beginning, shall constitute the Thirty-seventh Assembly District.

Thirty-eighth.

SEC. 39. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Sixth and Bryant Streets, continuing thence along the center of the following named streets: Bryant to Seventh, Seventh to Market, Market to McAllister, McAllister to Leavenworth, Leavenworth to Sutter, Sutter to Taylor, Taylor to Market, Market to Sixth, and Sixth to the place of beginning, shall constitute the Thirty-eighth Assembly District.

Thirty-ninth.

SEC. 40. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Bryant and Seventh Streets, continuing thence along the center of the following named streets: Bryant to Eighth, Eighth to Market, Market to Larkin, Larkin to Sutter, Sutter to Leavenworth, Leavenworth to McAllister, McAllister to Market, Market to Seventh, and Seventh to the place of beginning, shall constitute the Thirty-ninth Assembly District.

Fortieth.

SEC. 41. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Bryant and Eighth Streets, continuing thence along the center of the following named streets: Bryant to Eleventh, Eleventh to Market, Market to Van Ness, Van Ness to Sutter, Sutter to Larkin, Larkin to Market, Market to Eighth, and Eighth to the place of beginning, shall constitute the Fortieth Assembly District.

Forty-first.

SEC. 42. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Hyde Street with the waters of the Bay of San Francisco, continuing thence along the center of Hyde Street to the center of California Street; thence along the center of California Street 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 in an easterly direction to the place of beginning, shall constitute the Forty-first Assembly District.

Forty-second.

SEC. 43. All that portion of the City and County of San Francisco bounded as follows: Commencing at the 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 Street, Turk to Devisadero, Devisadero to Eddy, Eddy to Van Ness, Van Ness to Sutter, Sutter to Hyde, Hyde to California,

California to the east line of the City Cemetery; thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore in a westerly and southerly direction to the place of beginning, together with the islands known as the Farallone Islands, shall constitute the Forty-second Assembly District.

SEC. 44. All that portion of the City and County of San Francisco bounded as follows: Commencing at the 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 Devisadero, Devisadero to Eddy, Eddy to Van Ness, Van Ness to Fell, Fell to Stanyan, Stanyan to D, D to the waters of the Pacific Ocean, thence along the shore of said ocean to the place of beginning, shall constitute the Forty-third Assembly District. Forty-third.

SEC. 45. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Avenue D and the waters of the Pacific Ocean, continuing thence along the center of the following named streets: Avenue D to Stanyan, Stanyan to Fell, Fell to Van Ness, Van Ness to Market, Market to Eleventh, Eleventh to Channel, Channel to Harrison, Harrison to Fourteenth, Fourteenth to Guerrero, Guerrero to Eighteenth; thence along Eighteenth to its westerly end; thence in a direct line westerly to an intersection of the eastern limit of K Street (or Avenue); thence along K to the waters of the Pacific Ocean; thence northerly along the shore to the place of beginning, shall constitute the Forty-fourth Assembly District. Forty-fourth

SEC. 46. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Guerrero and Fourteenth Streets, continuing thence along the center of the following named streets: Fourteenth to Harrison, Harrison to Channel, Channel to Bryant, Bryant to Seventh, Seventh to Mississippi, Mississippi to Napa, Napa to Twentieth, Twentieth to Guerrero, and Guerrero to the place of beginning, shall constitute the Forty-fifth Assembly District. Forty-fifth.

SEC. 47. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Bryant Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Bryant to Seventh, Seventh to Mississippi, Mississippi to Napa, Napa to the waters of the Bay of San Francisco, and thence along the shore of said bay to the place of beginning, shall constitute the Forty-sixth Assembly District. Forty-sixth.

SEC. 48. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Napa Street and the waters of the Bay of San Francisco, continuing thence along the center of the following named streets: Napa to Howard, Howard to Army, Army to Mission, thence along the county road to its intersection with the boundary line dividing the Counties of San Francisco and San Mateo, thence along said boundary line to its inter- Forty-seventh.

section with the waters of the Bay of San Francisco, thence along the shore of said bay to the place of beginning, shall constitute the Forty-seventh Assembly District.

Forty-eighth.

SEC. 49. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of K Street and the waters of the Pacific Ocean, continuing thence along the center of the following named streets: K to its easterly limit, thence in a direct line to the westerly end of Eighteenth, Eighteenth to Guerrero, Guerrero to Twentieth, Twentieth to Howard, Howard to Army, Army to Mission, thence along the county road to its intersection with the boundary line dividing the Counties of San Francisco and San Mateo, thence along said line to the waters of the Pacific Ocean, thence along the shore of said ocean to the place of beginning, shall constitute the Forty-eighth Assembly District.

Forty-ninth.

SEC. 50. The County of San Mateo shall constitute the Forty-ninth Assembly District.

Fiftieth.

SEC. 51. The County of Santa Cruz shall constitute the Fiftieth Assembly District.

Fifty-first.

SEC. 52. All that portion of Alameda County 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 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 Leandro 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 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 Fifty-first Assembly District.

Fifty-second.

SEC. 53. All that portion of Alameda County comprising so much of Eden Township as is not included in the Fifty-first Assembly District, and that portion of Brooklyn Township lying outside of the City of Oakland, and all of Alameda Township, shall constitute the Fifty-second Assembly District.

Fifty-third.

SEC. 54. All that portion of Alameda County comprising the Sixth and Fourth Wards of the City of Oakland, described as follows: Beginning at the point in the westerly line of the Seventh Ward where the same is intersected by Tenth Street produced; thence westerly along said Tenth Street to Ada-

line Street; thence southerly along said Adaline Street to the northerly line of Alameda Township; thence easterly along said line of Alameda Township to where the same is intersected by the dividing line between the said Sixth and Seventh Wards; thence northerly along said dividing line to the point of beginning, shall constitute the Fifty-third Assembly District.

SEC. 55. All that portion of Alameda County comprising ^{Fifty-fourth.} the First Ward of the City of Oakland, being all that portion of said City of Oakland lying west of Adaline 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 said 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 named 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 Fifty-fourth Assembly District.

SEC. 56. All that portion of Alameda County comprising ^{Fifty-fifth.} the Second and Third Wards of the City of Oakland, and bounded as follows: Commencing at the intersection of the northern charter line of the City of Oakland with the center line of Adaline Street; thence southerly along said center line of Adaline Street to where the same is intersected by the center line of Tenth Street; thence easterly along said center line of Tenth Street to the center line of Broadway; thence northerly along the center line of Broadway to the dividing line between the Second and Fifth Wards; thence easterly along said dividing line last named to the dividing line between the Second and Seventh Wards; thence northerly along said last named line to the said northern charter line; thence westerly along said last named line to the point of beginning, shall constitute the Fifty-fifth Assembly District.

SEC. 57. All that portion of Alameda County comprising ^{Fifty-sixth.} all of Oakland Township outside of the City of Oakland, and not included in the Fifty-fourth Assembly District, and all of the City of Oakland constituting the Fifth and Seventh Wards, not included in the Fifty-third, Fifty-fourth, and Fifty-fifth Assembly Districts, shall constitute the Fifty-sixth Assembly District.

SEC. 58. The County of Contra Costa shall constitute the ^{Fifty-seventh.} Fifty-seventh Assembly District.

- Fifty-eighth. SEC. 59. All that portion of the County of San Joaquin comprising the City of Stockton shall constitute the Fifty-eighth Assembly District.
- Fifty-ninth. SEC. 60. All that portion of San Joaquin County not included in the Fifty-eighth District shall constitute the Fifty-ninth Assembly District.
- Sixtieth. SEC. 61. The County of Amador shall constitute the Sixtieth Assembly District.
- Sixty-first. SEC. 62. The County of Calaveras shall constitute the Sixty-first Assembly District.
- Sixty-second. SEC. 63. The County of Tuolumne shall constitute the Sixty-second Assembly District.
- Sixty-third. SEC. 64. All that portion of the County of Santa Clara comprising the Townships of Almaden, Redwood, Fremont, Alviso, and Santa Clara, shall constitute the Sixty-third Assembly District.
- Sixty-fourth. SEC. 65. All that portion of the County of Santa Clara comprising the City of San José shall constitute the Sixty-fourth Assembly District.
- Sixty-fifth. SEC. 66. All that portion of Santa Clara County comprising the Townships of Milpitas, Burnett, and Gilroy, and all of the Township of San José, except the City of San José, shall comprise the Sixty-fifth Assembly District.
- Sixty-sixth. SEC. 67. The County of Stanislaus shall constitute the Sixty-sixth Assembly District.
- Sixty-seventh. SEC. 68. The Counties of Merced and Mariposa shall constitute the Sixty-seventh Assembly District.
- Sixty-eighth. SEC. 69. The County of San Benito shall constitute the Sixty-eighth Assembly District.
- Sixty-ninth. SEC. 70. The County of Monterey shall constitute the Sixty-ninth Assembly District.
- Seventieth. SEC. 71. The County of Fresno shall constitute the Seventieth Assembly District.
- Seventy-first. SEC. 72. The County of Tulare shall constitute the Seventy-first Assembly District.
- Seventy-second. SEC. 73. The Counties of Alpine, Mono, and Inyo, shall constitute the Seventy-second Assembly District.
- Seventy-third. SEC. 74. The County of San Luis Obispo shall constitute the Seventy-third Assembly District.
- Seventy-fourth. SEC. 75. The County of Santa Barbara shall constitute the Seventy-fourth Assembly District.
- Seventy-fifth. SEC. 76. The Counties of Kern and Ventura shall constitute the Seventy-fifth Assembly District.
- Seventy-sixth. SEC. 77. All that portion of Los Angeles County contained in the Townships of Soledad, San Fernando, El Monte, San Gabriel, La Ballona, Azusa, Wilmington, San Antonio, and all that portion of Los Angeles Township not contained within the city limits of Los Angeles City, shall constitute the Seventy-sixth Assembly District.
- Seventy-seventh. SEC. 78. That portion of Los Angeles County contained within the limits of the City of Los Angeles, shall constitute the Seventy-seventh Assembly District.
- Seventy-eighth. SEC. 79. All that portion of the County of Los Angeles not included in the Seventy-sixth and Seventy-seventh Assem-

bly Districts, shall constitute the Seventy-eighth Assembly District.

SEC. 80. The County of San Bernardino shall constitute the Seventy-ninth Assembly District. Seventy-ninth.

SEC. 81. The County of San Diego shall constitute the Eightieth Assembly District. Eightieth.

SEC. 82. Each Assembly District shall elect one member of the Assembly, as follows: A member of the Assembly shall be elected in each Assembly District at the general election, to be held in the year eighteen hundred and eighty-four, and every two years thereafter. One member to be elected from each District.

SEC. 83. Neither Boards of Supervisors, municipal authorities, or any other officer, shall have power to alter the boundaries of any township, ward, election precinct, or other local subdivision of any county, city, or town, so as to change the boundaries of any Assembly District as defined in this Act. Boundaries, etc., shall not be changed.

SEC. 84. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repeal of conflicting Acts.

CHAPTER XLVIII.

An Act to repeal an Act entitled "An Act to amend an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 23, A. D. 1872, and passed by the State Legislature February 3, A. D. 1876.

[Approved March 13, 1883.]

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

SECTION 1. An Act entitled an Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco, passed February third, eighteen hundred and seventy-six, is hereby repealed. Repeal of Pharmacy Act.

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

CHAPTER XLIX.

An Act to provide for the organization, incorporation, and government of municipal corporations.

[Approved March 13, 1883.]

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

CHAPTER I.

ORGANIZATION OF MUNICIPAL CORPORATIONS.

SECTION 1. Any portion of a county containing not less than five hundred inhabitants, and not incorporated as a

City or town
may incor-
porate.

municipal corporation, may become incorporated under the provisions of this Act, and when so incorporated, shall have the powers conferred, or that may be hereafter conferred by law upon municipal corporations of the class to which the same may belong.

Steps to be
taken.

SEC. 2. A petition shall first be presented to the Board of Supervisors of such county, signed by at least one hundred qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this Act. Such petition shall be presented at a regular meeting of such Board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the Board of Supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all; and, on the final hearing, shall make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; *provided*, that any changes made by said Board of Supervisors shall not include any territory outside the boundaries described in such petition. They shall then give notice of an election to be held in such proposed corporation, for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election in a newspaper printed and published within such boundaries, or posted, for the same period, in at least four public places therein. Such notice shall require the voters to cast ballots which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto; and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong.

Election;
how con-
ducted.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceding such election. The Board of Supervisors shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if, upon such canvass, it appear that a majority of the votes cast are for incorporation, the Board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the

Canvassing
vote.

class to which the same shall belong, under the name and style of the City (or Town, as the case may be), of _____ (naming it), and shall declare the 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 filed in the office of the Secretary of State; and from and after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

Incorporation, how authenticated.

SEC. 4. The Common Council, Board of Trustees, or other legislative body of any city and county, city, or town, organized or incorporated prior to the first day of January, eighteen hundred and eighty, at twelve o'clock meridian, shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors of such city and county, city, or town, as shown by the vote cast at the last municipal election held therein, submit to the electors of such city and county, city, or town, at the next general election to be held therein, the question whether such city and county, city, or town, shall become organized under the general laws of the State relating to municipal corporations of the class to which such city and county, city, or town may belong. Notice that such question will be so submitted shall be given by publication in a newspaper printed and published in such city and county, city, or town; or if there be no newspaper printed and published therein, by printing and posting the same in at least four public places therein, including the place or places where such election is to be held. Such notice shall be so published or posted for at least four weeks prior to such election, and shall also be made a part of the general election notice. Such notice shall distinctly state the proposition to be so submitted, and shall designate the class to which such corporation belongs, and shall invite the electors thereof to vote upon such proposition by placing upon their ballots the words "For reorganization," or "Against reorganization," or words equivalent thereto. The votes so cast shall be canvassed at the time and in the manner in which the other votes cast at such election are canvassed. If, upon such canvass, a majority of all the electors voting at such election shall be found to have voted for such reorganization, the said Council, Board, or other legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election, the number of votes cast for reorganization, and the number of votes cast against reorganization. Said Council, Board, or other legislative body shall immediately thereafter call a special election for the election of the officers required by law to be elected in corporations of the class to which such city and county, city, or town shall

How incorporated city or town may incorporate under this law.

Notice.

Election.

Certificate, where sent.

Election of officers.

belong, which election shall be held within six weeks thereafter. Such election shall be held in all respects in the manner prescribed, or that may hereafter be prescribed by law, for municipal elections in corporations of such class, and shall be canvassed by the Council, Board, or other legislative body calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporation shall be deemed to be organized under such general laws, under the name and style of the City and County (or City, or Town, as the case may be), of _____, (naming it), with the powers conferred, or that may hereafter be conferred by law upon municipal corporations of the class to which the same may belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified.

Election,
how held.

Date of rein-
corporation.

Effect of
reincorpora-
tion.

SEC. 5. Any city and county, city, or town, organized under the provisions of section four of this Act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing; and such reorganization shall in nowise affect or impair the title to any property owned or held by such corporation, or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such corporation, or any proceeding then pending; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability, civil or criminal, then existing, for any violation of any such ordinance; but such ordinances, so far as the same are not in conflict with such general laws, shall be and remain in force until repealed or amended by competent authority; *provided*, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of such general laws.

Duty of
outgoing
officers.

SEC. 6. As soon as the officers elected under the provisions of either section three or section four of this Act, shall have qualified in accordance with law, all persons, if any, then in possession of the offices of such corporation, shall immediately quit and surrender up the possession of such offices, and shall deliver to the officers so elected all moneys, books, papers, or other things in their official custody, and all property of such corporation in their hands, notwithstanding that the terms of office for which they were respectively elected or appointed may not then have expired; and all officers, Boards, and persons holding any property in trust for any public use, the administration of which use is vested by such general laws in such corporation, or in any of its officers, shall, upon demand from such corporation or such officers, convey such property to such corporation or such officers, by good and sufficient deeds of conveyance, in trust for such public use.

SEC. 7. The boundaries of any municipal corporation may be altered, and new territory included therein, after proceedings had as required in this section. The Council, Board of Trustees, or other legislative body of such corporation shall, upon receiving a petition therefor signed by not less than one fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed; and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For annexation," or "Against annexation," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be annexed, which place or places shall be that or those usually used for that purpose within such territory, if any such there be. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory and a majority of all the votes cast in such corporation shall be for annexation, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified abstract of such vote; which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation; *provided*, that no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation, contracted prior to or existing at the date of such annexation. If the territory so proposed to be annexed consists, in whole or in part, of any municipal corporation or part thereof, such territory shall not be annexed under the provisions of this section.

SEC. 8. Two or more contiguous municipal corporations

Municipal corporations, how consolidated.

Notice of election.

Canvassing vote.

may become consolidated into one corporation after proceedings had as required in this section. The Council, Board of Trustees, or other legislative body of either of such corporations shall, upon receiving a petition therefor signed by not less than one fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the Council, Board of Trustees, or other legislative body of each of the other of such corporations, which notice shall designate the name of the proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated, to give notice of such election by publication in a newspaper printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong; and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. The legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of such corporations having the greatest population as shown by the last Federal census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk of the legislative body at whose place of meeting such joint convention is held, to make a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations; and, immediately upon the record thereof, it shall be the duty of the clerk or other officer performing the duties of clerk of each of such legislative bodies, to transmit to the Secretary of State a certified copy of such abstract. Immediately after such filing, the legislative body of that one of such corporations having the greatest population as shown by the last Federal census, shall call a special election to be held in such new corporation for the election of the officers required by

law to be elected in corporations of the class to which such new corporation shall belong, which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed or that may hereafter be prescribed by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation under the name and style of the City and County (or City, or Town, as the case may be), of ——— (naming it), with the powers conferred or that may hereafter be conferred by law upon municipal corporations of the class to which the same shall so belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified. All the provisions of sections five and six of this Act shall apply to such corporation and to the officers thereof; *provided*, that no property within either of the former corporations so consolidated, shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations contracted prior to or existing at the date of such consolidation.

Manner of conducting the election.

CHAPTER II.

MUNICIPAL CORPORATIONS OF THE FIRST CLASS.

(Cities having a population of more than 100,000.)

ARTICLE I.

GENERAL POWERS.

SEC. 19. Every municipal corporation of the first class shall be entitled the City and County of ———, or the City of ——— (naming it), as the case may be, and by such name shall have perpetual succession, may sue and be sued in all Courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

First class.

ARTICLE II.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 20. There shall be elected by the qualified voters of such city, or city and county, at the general State election, to be held on the first Tuesday after the first Monday of the month of November in each even numbered year, the following officers, viz.: A Mayor, Sheriff, Auditor, Tax Collector, Treasurer, County Clerk, Recorder, District Attorney, City,

Names, number, and terms of officers.

or City and County, Attorney, Coroner, Surveyor, Superintendent of Streets, twelve School Directors, six Justices of the Peace, Public Administrator, and two Police Judges, who shall hold office for two years. The terms of such officers shall commence on the first Monday after the first day of January next following their election. Also, twelve Aldermen, in the manner, and who shall hold office as provided in section forty-one of this chapter, and twelve Assistant Aldermen, who shall hold office as provided in section forty-three of this chapter.

What offices kept open.

SEC. 21. The Mayor, Sheriff, County Clerk, County Recorder, Treasurer, District Attorney, Auditor, Tax Collector, Assessor, City, or City and County, Attorney, Superintendent of Streets, and Surveyor, shall keep public offices, which shall be kept open for the transaction of business every day in the year except Sundays, Christmas, New Year's, Fourth of July, Thanksgiving, the twenty-second of February, and on any days during which a general election shall be held, between the hours of nine o'clock A. M. and five o'clock P. M.

Manner of filling vacancies.

SEC. 22. Whenever vacancies occur in any of the elective offices of such city, or city and county, and provision is not otherwise made in this or some other Act for filling the same, the Mayor shall appoint, subject to the confirmation of the Board of Aldermen, a person to discharge the duties of such office until the next election, when the vacancy shall be filled by election for the unexpired term. All persons so appointed shall, before entering upon their duties, take the oath of office, and give bonds as required by law.

What fees paid out of treasury.

SEC. 23. No fees or compensation to be paid out of the treasury, other than those expressly allowed in this chapter, shall be allowed or received by any officer of such city, or city and county, or of any district, or other subdivision thereof; nor shall any allowance or provision be made for them, or any of them, at the public expense, beyond the fixed compensation herein provided under the name of office rent, fuel, lights, stationery, contingencies, extra services, or otherwise, except the compensation or percentage allowed to the Tax Collector and to the Assessor in the collection of poll taxes, and except that the necessary and proper books, stationery, and official blanks may, at the discretion of the Municipal Council, be purchased and supplied for all the Courts of such city, or city and county, its officers, Municipal Council, and other Boards, and officers, the expense whereof, when the amount in each particular case shall have been previously authorized and fixed by the Municipal Council, may be paid out of the General Fund, upon demand upon the treasury duly audited, as in this chapter provided.

Bonds, how given.

SEC. 24. All officers of such city, or city and county, must, before they can enter upon their official duties, give a bond as required by law. The bonds and sureties of such officers must be approved by the President of the Board of Aldermen, Auditor, and a Judge of the Superior Court, in and for such city and county, or in and for the county in which such city may be situated. When the amount of such official bond is not fixed by law, it shall be fixed by the Municipal

Council. No banker, residing or doing business in such city, or city and county, nor any such banker's partner, clerk, employé, agent, attorney, father, or brother, shall be received as surety for the Treasurer, Mayor, Sheriff, Auditor, or any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond, unless he be worth, in fixed property, including mortgages, situated in such city, or city and county, the amount of his undertaking over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser, or security, or whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds must be examined on oath touching their qualifications. The official bond of the Auditor shall be filed and kept in the office of the Clerk of such city, or city and county. All other official bonds shall be filed and kept in the office of the Auditor; *provided*, that the bonds and sureties of the Mayor must be approved by the Chairman of the House of Assistant Aldermen, Auditor, and a Judge of the Superior Court in and for such city and county, or in and for the county in which such city may be situated; and that the bonds and sureties of the Auditor must be approved by the President of the Board of Aldermen, the Chairman of the House of Assistant Aldermen, and a Judge of the Superior Court in and for such city and county, or in and for the county in which such city may be situated.

Disqualifications of sureties.

Bonds, by whom approved.

SEC. 25. The compensation or salary of any officer provided for in this chapter shall not be increased or reduced after his election or during his term of office.

Compensation.

SEC. 26. The salaries of the officers, clerks, deputies, or employés of such city and county, except as otherwise in this chapter provided, shall be as follows, and payable in monthly installments at the end of each and every month, viz.:

First—The salary of the Mayor shall be four thousand dollars per annum; he may appoint a clerk, to be known as the Mayor's Clerk, whose salary shall be one thousand eight hundred dollars per annum.

Mayor and Clerk.

Second—The salary of the Sheriff shall be six thousand dollars per annum; he may appoint one Under Sheriff, whose salary shall be two thousand four hundred dollars per annum; one bookkeeper, whose salary shall be two thousand four hundred dollars per annum; he may appoint twenty-five deputies, each of whom shall receive a salary of one thousand six hundred dollars per annum, one of which said deputies shall be assigned to and perform the duties of assistant bookkeeper; sixteen deputies, whose salaries shall be one thousand five hundred dollars per annum; one counsel, who shall be an attorney of the Supreme Court of the State, whose salary shall be one thousand eight hundred dollars per annum; one matron, whose salary shall be nine hundred dollars per annum; one driver of prison wagon, whose salary shall be nine hundred dollars per annum.

Sheriff, deputies, attorney, etc.

Third—The salary of the Auditor shall be four thousand

Auditor and deputies. dollars per annum; he may appoint one deputy, whose salary shall be twenty-four hundred dollars per annum, and two clerks, at a salary of one thousand six hundred dollars per annum each.

Treasurer and deputies. *Fourth*—The salary of the Treasurer shall be four thousand dollars per annum; he may appoint one chief deputy, whose salary shall be twenty-four hundred dollars per annum, and one deputy, whose salary shall be two thousand one hundred dollars per annum.

Tax Collector, deputies, etc. *Fifth*—The salary of the Tax Collector shall be four thousand dollars per annum; he may appoint one chief deputy, one cashier, each of whom shall receive a salary of two thousand dollars per annum, and ten permanent deputies, whose salary shall be one thousand six hundred dollars per annum each.

Assessor, deputies, etc. *Sixth*—The salary of the Assessor shall be four thousand dollars per annum; he may appoint one chief office deputy, one chief field deputy, and one head draughtsman, each of whom shall receive a salary of two thousand dollars per annum; an assistant draughtsman, who shall receive a salary of eighteen hundred dollars per annum; and eleven office deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum. He may also appoint such additional deputies as may be allowed by the Municipal Council, at salaries not to exceed five dollars per day each, for such time as they may be employed.

Recorder, deputies, etc. *Seventh*—The salary of the Recorder shall be three thousand dollars per annum; he may appoint one chief deputy, whose salary shall be twenty-four hundred dollars per annum, and two deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum; also, two porters, who shall perform the duties of watchmen; each of whom shall receive a salary of nine hundred dollars per annum.

County Clerk, deputies, etc. *Eighth*—The salary of the County Clerk shall be four thousand dollars per annum; he may appoint deputies as follows: one chief deputy, whose salary shall be two thousand four hundred dollars per annum; twelve Court-room clerks, twelve registry clerks, each of whom shall receive a salary of eighteen hundred dollars per annum; twelve assistant registry clerks, each of whom shall receive a salary of one thousand five hundred dollars per annum; and twelve copyists, each of whom shall receive a salary of one thousand six hundred dollars per annum; and such County Clerk, when the exigencies of his office shall require, may, in his discretion, employ such additional copyists as shall be necessary, at a compensation not to exceed three dollars per day for the days of actual service; *provided*, said number shall not exceed at any one time three copyists for each Judge of the Superior Court, to be paid from the treasury in the same manner as the salaries herein provided for are to be paid.

District Attorney, assistants, etc. *Ninth*—The salary of the District Attorney shall be five thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the Supreme Court of this

State, each of whom shall receive a salary of twenty-four hundred dollars per annum, and two clerks, who shall be attorneys of the Supreme Court of the State, each of whom shall receive a salary of fifteen hundred dollars per annum.

Tenth—The salary of the City, or City and County, Attorney, shall be four thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the Supreme Court of this State, each of whom shall receive a salary of twenty-four hundred dollars per annum; and one copyist, who shall receive a salary of nine hundred dollars per annum.

City and County Attorney and assistants.

Eleventh—The salary of the Coroner shall be three thousand dollars per annum; he may appoint two deputies, one to act as first deputy, whose salary shall be one thousand six hundred dollars per annum, the other to act as second deputy, and whose salary shall be one thousand five hundred dollars per annum; and one messenger, to take charge of the dead wagon, and perform such other duties as are required by the Coroner or his deputies. The salary of the messenger shall be nine hundred dollars per annum.

Coroner and deputies.

Twelfth—The salary of Superintendent of Streets shall be four thousand dollars per annum; he may appoint twenty deputies; three of said deputies shall receive a salary of two hundred dollars per month each, and seven of said deputies shall receive a salary of one hundred and fifty dollars per month each, and ten of said deputies shall receive a salary of one hundred and twenty-five dollars per month each.

Superintendent of Streets and deputies.

Thirteenth—The salary of the City, or City and County, Surveyor, shall be four thousand dollars per annum; he may appoint as many deputies, not to exceed four, as the Municipal Council shall from time to time determine as necessary, who shall receive such compensation as such Municipal Council shall provide, not to exceed the sum of five dollars per day when actually employed.

Surveyor.

Fourteenth—The salary of the Superintendent of Schools shall be three thousand dollars per annum.

Superintendent of Schools.

Fifteenth—The salary of each of the Police Judges shall be four thousand dollars per annum.

Police Judge.

Sixteenth—The salary of the Prosecuting Attorney of the Police Court shall be twenty-four hundred dollars per annum; and his two assistants shall each receive a salary of one thousand five hundred dollars per annum.

Prosecuting Attorney.

Seventeenth—The salary of the Presiding Justice of the Justices' Court shall be three thousand dollars per annum; and each of the other Justices of the Peace shall receive a salary of two thousand four hundred dollars per annum.

Justices of the Peace.

Eighteenth—The salary of the Clerk of the Justices' Court shall be two thousand four hundred dollars per annum; his two deputies shall receive a salary of one thousand two hundred dollars per annum.

Clerk of Justice Court.

Nineteenth—The salary of the Collector of Licenses shall be three thousand dollars per annum. He may appoint one chief deputy; who shall receive one thousand eight hundred dollars per annum, and twelve deputies, who shall

Collector of Licenses.

receive a salary of one thousand five hundred dollars per annum each.

Officers not to be interested in contracts, etc.

SEC. 27. Any officer or Commissioner of such city, or city and county, or any officer or member of any House, Board, or department of the government thereof, who shall be directly or indirectly interested in, or a beneficiary or participant of the profits of any contract made with or for such city, or city and county, or any Board or department thereof, or who shall participate in the profits made by any person or persons upon services, labor, purchases, sales, subsistence, supplies, materials, or any article or thing furnished to or done for such city, or city and county, or any institution, public work, or branch, or department of the government thereof, or sold by the same, which contract, profit, purchase, sale, or supply is made, or could have been made, influenced, or brought about through or by means of the official action or conduct of such officer, Commissioner, or member of such Board, except the official salary or compensation of such officer, Commissioner, or member of such Board or department provided expressly by law, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, punished accordingly. Any Commissioner, officer, clerk, or other person having custody of or access to any bids or proposals, whether sealed or otherwise, for supplying or furnishing any goods, provisions, subsistence, labor, material, printing, or other thing of any nature, or constructing, cleaning, repairing any work or thing, or doing or furnishing anything whatsoever to such city and county, or any department, Board, Commissioner, or officer thereof, who shall open or examine into any one or more of such bids or proposals, or change, interline, alter, or otherwise tamper with the same, or shall purposely find out the contents thereof, or who shall aid, abet, assist, or permit another so to do before or in advance of the time prescribed by law for the opening thereof, or any lawful postponement of such time, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, shall be punished accordingly.

Penalty.

Questions of difference, how settled.

SEC. 28. All questions of differences between the officers of such city, or city and county, as to their relative duties, may be referred by either of them to the City, or City and County, Attorney, who shall examine and determine such questions, and his decision shall be final as between such officers.

Reports of officers.

SEC. 29. The following officers, and the heads of the following departments of such city, or city and county, shall report to the Municipal Council on or before the first day of August of each year, the condition of their respective departments during the fiscal year ending June thirtieth, previous thereto, embracing all their operations and expenditures: Auditor, Assessor, Tax Collector, County Clerk, Superintendent of Streets, Fire Department, Hospital, Almshouse, Park Commissioners, Treasurer, Sheriff, County Recorder, City, or City and County, Surveyor, License Collector, Public Schools, Fire Alarm and Police Telegraph, Poundkeeper, Board of

Health, City, or City and County, Attorney, Industrial School, Police, Coroner, Health Officer, Justices' Court, City Hall Commissioners, Home for the Care of the Inebriate, Board of Election Directors, Commissioner of Elections, House of Correction, City Cemetery, Free Public Library, and the Building Committee of the Municipal Council. Immediately after the first Monday in February, the Mayor and Municipal Council shall make up and publish an extract from these several reports, and other sources, of the operations, expenditures, and condition of all departments of government of such city, or city and county.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SEC. 40. The legislative power of such city, or city and county, shall be vested in a body to be styled the "Municipal Council," which shall be composed of two Boards or Houses of legislation, one to be called the "Board of Aldermen," and the other the "House of Assistant Aldermen."

Legislative power, how vested.

SEC. 41. The Board of Aldermen shall consist of twelve persons, to be elected by general ticket, from the city, or city and county, at large, the members of which shall hold office for the term of four years, to commence on the first Monday after the first day of January next following their election, except that of the Aldermen, who are elected at the first election under this chapter; the six receiving the smallest number of votes shall hold their office for two years only; so that thereafter only six shall be elected every two years. In case of a tie vote at such first election, the question of which Alderman shall hold the full and which the short term shall be determined between the candidates so tied by lot. The Aldermen shall receive each a salary of twelve hundred dollars a year, payable in monthly installments, out of the General Fund.

Board of Aldermen, how elected.

SEC. 42. The Board of Aldermen shall appoint a Secretary, with a salary not to exceed two hundred dollars a month, who shall keep the records of said Board. He shall hold office during the pleasure of the Board. He shall have power to administer oaths and affirmations in all cases, and to certify and authenticate copies of all records, papers, and documents in his official custody, and shall perform any other services required by the Board.

Secretary.

SEC. 43. The House of Assistant Aldermen shall consist of twelve persons, to be elected every two years, one each by the qualified electors of the respective wards, into twelve of which such city, or city and county, shall be divided for such purpose. The Assistant Aldermen shall hold office for the term of two years, to commence on the first Monday after the first day of January next following their election, and shall receive each a salary of twelve hundred dollars a year, payable monthly out of the General Fund.

Assistant Aldermen.

SEC. 44. The House of Assistant Aldermen may appoint a clerk, who shall keep their records and hold office during their pleasure. He shall have a salary not to exceed two

Salary of Clerk.

hundred dollars a month; shall have power to administer oaths and affirmations, and to certify and authenticate all records, documents, and papers in his official custody. He shall perform any other service required of him by the House.

Vacancy,
how filled.

SEC. 45. Any vacancy occurring in either Board shall be filled by the Mayor; and the person appointed to fill such vacancy shall hold office till the next election by the people, and until his successor is qualified.

Qualifica-
tion.

SEC. 46. Every member of the Board of Aldermen shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, for three years next before his election or appointment.

Qualifica-
tion.

SEC. 47. Every member of the House of Assistant Aldermen shall be a qualified voter, at least twenty-five years of age, shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, at least two years, and of the ward from which he is elected or appointed at least one year next before his election or appointment.

Qualifica-
tion.

SEC. 48. Every member of either branch of the Municipal Council shall, at all times during his incumbency of said office, possess the following qualifications: He shall not be directly or indirectly interested in any contract with such city, or city and county, or any department or institution thereof. He shall not have been convicted of malfeasance in office, bribery, or other corrupt practices or crimes. Any member who fails to possess, or who shall at any time during his term of office cease to possess, any of the qualifications mentioned in this Act as a qualification, shall thereby forfeit his seat in the Board or House to which he belongs, and the vacancy shall be filled as in other cases. If any member of either branch absent himself from the State, or neglect to attend the meeting of the Board or House to which he belongs, for a period of thirty days, his office shall be declared vacant by said Board, and a successor must be appointed, to hold till the next election by the people, as provided in other cases.

Rules of
Houses of
Aldermen.

SEC. 49. Each Board or House shall elect its own officers, except as to the presiding officer of the Board of Aldermen. The Mayor shall preside at all the sessions of the Board of Aldermen without the right to vote. In his absence, during any session, the Board shall appoint one of its members as President pro tempore, who shall, however, have the same right to vote as other members. Each House shall be the judge of the election returns and qualifications of its own members, and may determine the rules of its own proceedings, except as herein provided. Each House shall keep a record of its acts, and allow the same to be published, and the yeas and nays on any question shall, at the request of any member, be entered on the Journal of the House; may arrest and punish by fine, not exceeding five hundred dollars, or imprisonment as provided by ordinance, not exceeding thirty days, or both, any person not a member who shall be guilty

of disrespect to the Board or House by disorderly or contemptuous behavior in its presence during its session; may punish its members for disorderly conduct, and, with the concurrence of two thirds of all the members elect, may expel a member.

SEC. 50. The House of Assistant Aldermen shall elect one of their own number presiding officer of said House, who shall be designated as the "Chairman" thereof. A majority of the members of either House shall constitute a quorum to do business; and no regulation, resolution, ordinance, or order of either House can pass without the concurrence of a majority of all the members elected or appointed to such House; 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 the House or Board may provide. Quorum.

SEC. 51. All sessions, acts, and resolutions of each House shall be public. Neither House shall, without the consent of the other, adjourn for more than seven days at any one time, nor to any other place than that in which the two Houses may be sitting. Sessions shall be public.

SEC. 52. No member of the Municipal Council shall, during the time for which he is elected, be eligible or appointed to any other office under the city, or city and county, except such offices as may be filled by election by the people; nor shall any member, while such, be an employé of such city, or city and county, or any Board or department thereof, or of either branch of the Municipal Council, in any capacity whatever; and no compensation shall be audited or paid for services as such officer or employé; and no act, ordinance, or resolutions shall ever be passed whereby any member of either House shall become the disbursing officer of such city, or city and county, or any Board or department thereof, or pay out any of its money upon any pretense whatever. Not eligible to any other office.

SEC. 53. No member of the Municipal Council, or of the Board of Education, or any officer of such city, or city and county, or of any ward thereof, shall have any power to contract any debt or liability whatsoever against such city, or city and county, nor shall the people, or taxpayers, or any property therein, ever be liable to be assessed for, or on account of any debt or liability hereafter contracted, or attempted to be contracted, in contravention of this chapter. Limitations on contracts.

SEC. 54. The Municipal Council shall appoint a joint committee of five, three from the Board of Aldermen, and two from the House of Assistant Aldermen, to be denominated the "Finance Committee," which committee may, at any time, and shall, whenever required by the Municipal Council, or either branch thereof, investigate the transactions and accounts of any and all officers appertaining to the government of such city, or city and county, having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the Treasurer, and report thereon to the Municipal Council. Said committee shall have full power to send for all persons and papers, and enter into, examine, inquire, and investigate all offices Finance Committee.

and places, to administer oaths and affirmations, to examine witnesses, and compel their attendance by subpoena and attachment for contempt, and the production of records, books, and papers, and may imprison in the city or county jail any person refusing to appear or testify, as well as any officer or person failing or refusing obedience to the orders to show records, papers, or books, or to testify when required so to do. The Sheriff or any policeman of such city, or city and county, shall enforce all orders of said committee, and attend upon it in like manner as upon Courts of record. The Mayor may be present and participate in such investigations.

When
Municipal
Council
shall meet.

SEC. 55. The Municipal Council shall meet on the first Monday after the first day of January, and on the first Mondays of April, July, and October, of each year, and at such other times as required by law, and may be specially convoked by the Mayor as herein provided.

Passage of
ordinances.

SEC. 56. No ordinance shall be passed except by bill, and no bill shall be so amended in its passage as to change its original object. No bill shall contain more than one subject, which shall be expressed by its title. On the final passage of all bills the vote shall be by "yeas" and "nays" upon each bill, separately, and the names of the members voting for and against the same shall be entered on the Journal. Bills may originate in either House, and no bill shall be passed by either House except by a majority vote of all the members elected or appointed to either House.

Amend-
ments, how
concurring in

SEC. 57. No amendments to bills by either House shall be concurred in by the other except by a vote of a majority of all the members elected or appointed thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the Journal thereof; and reports of committees of conference shall be adopted by either House only by the vote of a majority of all the members elected thereto, taken by "yeas" and "nays," and the names of those voting recorded upon the Journals.

Reenacting
ordinances.

SEC. 58. No ordinance shall be revived, reenacted, or amended, by mere reference to its title, but such ordinance or section shall set forth at length, as if it revived, reenacted, or amended.

Reconsider-
ation.

SEC. 59. When a bill is put upon its final passage in either House, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be taken up, and the subject finally disposed of at the next meeting of the Council, unless such House, by a two-third vote, decides to act upon such reconsideration at the same meeting.

Signing
bills.

SEC. 60. No bill shall become an ordinance until the same shall have been signed by the presiding officer of each of the two Houses in open session, in authentication of its adoption by such House. In signing such bill for authentication, the presiding officer shall call the attention of the House to the bill, and that he is about to sign it, and if any member request, the bill shall be read at length for information as to its correctness as enrolled. If any member object that the bill is not the same in substance and form as when consid-

ered and passed by the House, such objection shall be passed upon, and, if sustained, the presiding officer shall withhold his signature, and the bill shall then be corrected, and finally disposed of, and signed, before the House proceeds to any other business.

SEC. 61. No general appropriation Act, or authorization, shall ever be passed, but all appropriations shall be for the specific amount of the claim to be paid, and no more; and each ordinance or resolution, authorizing the payment of money, shall contain one claim only, which shall be expressed in the title. Every ordinance or resolution of the Municipal Council providing for any specific improvement, the granting of any privilege, or involving the lease or appropriation of public property, or the expenditures of public moneys, except for sums less than five hundred dollars, or levying tax, or assessment, and every ordinance or resolution imposing a new duty or penalty, shall, after its introduction in either House, be published, with the "yeas" and "nays," in the newspaper doing the city and county printing, at least five successive days before final action upon the same by the House in which it was introduced; and in case such ordinance or resolution shall be amended before final passage in said House, then the bill, as amended, shall be so published, in the same manner, before final action by such House thereon; and every such ordinance, after the same shall have passed both Houses, shall, before it takes effect, be presented to the Mayor for his approval. If he approves, he shall sign it; if not, he shall return it within ten days to the House in which the same originated, with his objections in writing. Said House shall then enter the objections on the journal, and publish them in the newspaper doing the city printing. At the next stated meeting thereafter said House shall proceed to reconsider such bill. If, after such reconsideration, it again passes both Houses by the votes of nine of the members elected or appointed to each House voting therefor, it shall become a law, notwithstanding the Mayor's objections. Should any such ordinance or resolution not be returned by the Mayor within ten days after he receives it, it shall become valid, the same as if it had received his signature. Where a claim against the treasury amounts to more than five hundred dollars, it shall not be lawful to divide or break up the same into several sums of less than that amount so as to evade the provisions of this section concerning claims; and any effort or attempt to accomplish such unlawful division, or breaking up a claim, shall be deemed, as to every member of the Municipal Council or other officer consenting thereto, or aiding the same, a misdemeanor in office, and be cause for his removal. All ordinances authorizing the payment of any money out of the treasury, or any claim thereon, shall be referred to the appropriate standing committee of the House where the bill is introduced, who shall present the same to the Auditor, in order that he may certify that there is sufficient money in the proper fund out of which such claim can lawfully be paid, and that such appropriation can be made without violating the provisions

Appropriation bills.

Publication.

Approval.

Reference to committee.

of this chapter; and until the Auditor certifies in writing, signed by his name, that there is sufficient money in the proper fund, and that the authorization can be made without violating the provisions of this chapter, no further proceedings shall be had with such bill. It shall be the duty of the Auditor, with reasonable promptness, to ascertain the facts, and to give the certificate when the facts warrant him in doing so, and not otherwise.

Powers.

SEC. 62. The powers of the Municipal Council, and all other Boards, Commissioners, and officers, are those specially named in this chapter, and they are prohibited from exercising any other.

Enacting clause.

SEC. 63. The enacting clause of ordinances shall be in the following terms: "The Municipal Council of the City and County of _____, or City of _____, (as the case may be), hereby ordains as follows."

Further powers.

SEC. 64. The Municipal Council shall further have power by regulation or ordinance:

Selling and leasing property.

First—To provide for the security, custody, and administration of all property of such city, or city and county, and to purchase land required for municipal purposes without any power to sell or encumber the same, or lease any part thereof for more than three years; except, however, that such personal property belonging to the fire, street, or other departments, as they deem unsuited to the uses and purposes for which the same was designed, or so much worn and dilapidated as not to be worth repairing, may be sold or exchanged.

Opening streets.

Second—To provide for cases omitted in this chapter, and in conformity with the principles adopted in it, for opening, altering, extending, constructing, repairing, or otherwise improving public streets and highways at the expense of the property benefited thereby, without any recourse in any event upon such city, or city and county, or the public treasury, for any portion of the expense of such work, or any delinquency of the property holders or owners.

Lighting streets.

Third—To provide for lighting the streets. But no contract for lighting streets or public buildings shall ever be made for more than one year in duration; nor shall any contract to pay more for gas or other illuminating material than is legally charged to ordinary consumers, or than the usual market rates, be valid.

To provide water.

Fourth—To provide water for all municipal purposes, and to pay for the same where lawful and necessary. In case water is supplied to such city, or city and county, for municipal purposes, any person, corporation, or association holding a valid franchise under the laws of this State to collect water rates for the use of water, then such city, or city and county, when it is lawful and necessary, shall pay the lawful rates, and no more, as established each year for water supplied for other than municipal purposes; and it shall not be lawful to make any special contract with such person, corporation, or association for water so as to vary from the rates fixed by law.

Fifth—To regulate market houses and market places.

To regulate markets.
Regulating public grounds.
Establish fire limits, etc.

Sixth—To provide for inclosing, improving, and regulating all public grounds of such city, or city and county.

Seventh—To prohibit the erection of wooden buildings or structures within any fixed limits where the streets have been established and graded, or ordered to be graded, or to restrict and limit the height of such buildings or structures; to regulate the sale, storage, and use of gunpowder, and to restrict the limits within which may be manufactured or kept giant powder, dynamite, nitro-glycerine, or other explosive or combustible materials and substances, and the maintenance of acid works; and make all useful regulations in relation to the manufacture, storage, and transportation of all such substances, and the maintenance of acid works, slaughter houses, brick burning, tanneries, and all other manufactures and works of every description that may jeopardize the public safety, and to exclude them from the city, or city and county, when necessary, or to restrict them, or any of them, to a district. To make all necessary regulations for protection against fire, as well as such rules and regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants.

Eighth—To permit the laying down of railroad tracks and the running of cars thereon along any street, or portion of street, for the sole purpose of excavating and filling in a street, or a portion of a street, or adjoining lots, and for such limited time as may be necessary for the purpose aforesaid, and no longer.

To permit laying down railroad tracks.

Ninth—To determine the fines, forfeitures, and penalties that shall be incurred for the breach of regulations established by the said Municipal Council, and also for a violation of the provisions of this chapter, where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount of one thousand dollars, or six months imprisonment, or both. And every violation of any lawful order or regulation, or ordinances of the Municipal Council, is hereby declared a misdemeanor or public offense, and all prosecutions for the same shall be in the name of the people of the State of California.

Fix penalties.

Tenth—To regulate and provide for the employment of prisoners sentenced to labor on the public works of such city, or city and county, and to maintain and regulate city, or city and county, jails and prisons, with manufacturing or other laboring establishments or appliances connected therewith.

Employment of prisoners.

Eleventh—To provide a suitable office and jury room, and dead house or morgue, with the furniture necessary to enable the Coroner to efficiently discharge the duties of his office, and to make the necessary appropriation therefor; and to audit and pay for the necessary expenses of maintaining the morgue and offices attached, such sum as may be necessary, not to exceed seventy-five dollars per month, out of the General Fund.

To provide certain offices.

Regulate
Home of
Inebriate.
City prison.
Improve
cemeteries.

Twelfth—To maintain and regulate a Home of the Inebriate, in its discretion.

Thirteenth—To provide and maintain a city prison.

Fourteenth—To maintain and improve the city cemeteries, and to pay out of the General Fund a keeper thereof, to be appointed by the Board of Health, at a salary not to exceed one hundred dollars a month.

Grant
licenses.

Fifteenth—To license and regulate hackney carriages and other public passenger vehicles, and to fix the rates to be charged for the transportation of persons, baggage, goods, merchandise, and property, or either thereon; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also to license and regulate persons and parties employed in conveying baggage, property, and merchandise, or either, to or from any of the wharves, slips, bulkheads, or railroad stations, within the limits of such city, or city and county; to fix and establish the amount of every license paid into the city, or city and county, treasury for city, or city and county, purposes; to provide for the summary removal and disposition of any or all vehicles found in the streets, highways, and public squares during certain hours of the day or night, to be designated by the Council; and in addition to all other remedies, to provide, by regulation, for the sale or other disposition of such vehicles; to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the street; to prescribe the width of the tires of all drays, trucks, and carts, in accordance with the weight to be carried thereby, for the preservation of the streets and highways.

Grant
licenses.

Sixteenth—To regulate, license, and control the business of keeping intelligence offices, prescribe the method of conducting said business, and to enforce, by fines and penalties, the payment of the license, and any violation of the regulation touching said business. To license and regulate pawnbrokers and to enact regulations to protect the public in dealing with them.

Fix fees.

Seventeenth—To fix the fees and charges to be collected by the Surveyor of such city, or city and county, for certificates of surveys for buildings or other purposes, and to provide for a sufficient corps of deputy surveyors to perform such work, to be paid from such fees only; also to regulate the fees to be charged by the Superintendent of Streets, the County Recorder, and any and all other municipal officers where their fees are not otherwise fixed by law, and compel the payment of all such fees and charges into the city and county treasury into the proper fund, in accordance with the provisions of this Act.

Enforce col-
lection of
certain
moneys.

Eighteenth—To license and regulate, for the purposes of city, or city and county, revenue, all such callings, trades, and employments as the public good may require to be licensed and regulated, and as are not prohibited by law; to provide for and enforce, with penalties or otherwise, the collection and due payment into the city, or city and county, treasury of all moneys so due or raised, and to make all needful rules

and regulations to govern the official conduct and duties of the Collector of Licenses.

Nineteenth—To provide and pay for the construction and repair of hydrants, fireplugs, cisterns, and pumps in the streets. Construction of hydrants.

Twentieth—To allow and order paid out of the General Fund a sum not to exceed three thousand dollars in any year, for the celebration in such city, or city and county, of the anniversary of our National Independence. Pay for celebrating.

Twenty-first—To allow and order paid out of the General Fund for the election expenses of such city, or city and county, not to exceed forty dollars for each election precinct for each election in said city, or city and county. Election expenses.

Twenty-second—To provide ways and means for the prosecution of the claims of such city, or city and county, to any land or other property or right claimed by such municipality. Prosecute claims.

Twenty-third—To provide for the appointment by the Mayor of a Weigher of Coal, without salary, and to regulate and define his duties, and establish rates of charges to be collected from persons requiring his services, and for his compensation from such rates and charges alone, and with no claim upon such city, or city and county. Appoint weigher of coal.

Twenty-fourth—To authorize and direct the summary abatement of nuisances; to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases; to provide fines and penalties against individuals who may be guilty of maintaining any nuisances, and enforcing the same until such nuisance be removed or abated; to provide by regulation for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways, and public grounds of such city, or city and county, and to prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance. Abatement of nuisances.

Twenty-fifth—To prohibit, suppress, regulate, or exclude from certain limits all houses of ill-fame, prostitution, and gaming; to prohibit, suppress, regulate, or exclude from certain limits all occupations, houses, places, pastimes, amusements, exhibitions, and practices which are against good morals, contrary to public order and decency, or dangerous to the public safety. Regulate or prohibit houses of ill-fame.

Twenty-sixth—To require, by ordinance, all contractors for street work, or other persons lawfully undertaking to improve, grade, or alter streets or public highways, to erect fences or barriers, to keep lights at night, and to take other necessary precautions to protect the public from damage, loss, or accident by reason of such grading, alteration, or improvement, and to fix and prescribe penalties for the violation of the provisions of such ordinance. Regulate manner of street work.

Twenty-seventh—To provide for the safe keeping and disposition of lost, stolen, or unclaimed property of every kind, which may at any time be in the possession or under the control of the police of such city, or city and county. Safe keeping of lost property.

Twenty-eighth—To regulate, and, when necessary, to sup-

Suppress
public dem-
onstrations.
Regulation
of Fire
Department.

press all public demonstrations and processions which interfere with public traffic.

Twenty-ninth—To appoint a Fire Marshal. Such appointment shall be made on the nomination of the Board of Fire Underwriters of such city, or city and county, if such Board shall exist therein. If more than one such Board shall exist therein, then upon the nomination of the Board which shall have been longest organized. His salary shall be fixed and paid by such Board of Fire Underwriters. Such Fire Marshal shall, before entering upon the office, take and subscribe the oath of office, and execute a bond to the State of California in the sum of five thousand dollars, with two or more sureties, to be approved by a Judge of the Superior Court, for the faithful discharge of his duties. Any person aggrieved by any misconduct of such Marshal, or his deputy, may bring an action in his own name upon such official bond, which bond shall be filed in the office of the County Clerk. It shall be the duty of such Fire Marshal to attend all fires which may occur in such city, or city and county, with a badge of office conspicuously displayed. He shall take charge of and protect all property which may be imperiled at any such fire, and safely keep the same under his possession and control until satisfactory proof of ownership be made thereto; and shall, as far as practicable, prevent such property from being injured at such fire, and direct, when in his opinion it shall be necessary, the removal of goods, merchandise, and other property, to a place of safety. He shall be authorized and empowered to exercise the functions of a peace officer of such city, or city and county. Any person who shall willfully hinder or obstruct such officer in the lawful discharge of his duties, shall be deemed guilty of a misdemeanor; *provided, however,* that nothing herein contained shall be so construed as to authorize such Fire Marshal to interfere in any manner with the proper discharge of the lawful duties and authority of any Chief Engineer of any fire department of such city and county. It shall be the duty of such Fire Marshal to institute investigations into the cause of such fires as occur in such city, or city and county; and for this purpose he shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any police officer, or by any peace officer of such city, or city and county. Any witness who refuses to attend or testify in obedience to such subpoena, shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases. He shall make a written report of the testimony to the District Attorney, and institute criminal prosecutions in all cases in which there appears to him to be a reasonable and probable cause for believing that a fire has been caused by design. It shall be the duty of such Fire Marshal to aid in the enforcement of the fire ordinances of such city, or city and county, and for this purpose he is duly authorized to visit and examine all buildings in process of erection or under-

going repairs, and to institute prosecutions for all violations of the ordinances of such city, or city and county, which relate to the erection, alteration, or repairs of buildings, and for the prevention of fires. He shall exercise such additional powers as may be conferred upon him by the ordinances of such city, or city and county, to enable him fully to carry out the object and purpose of his appointment, and for the prevention of fires. He shall have power to appoint a deputy, who may exercise all the powers and perform all the duties of such Marshal. The salary of such deputy shall be paid in the same manner as the Fire Marshal. Any person who saves from fire, or from a building endangered by fire, any property, and who willfully neglects for two days to give notice to such Fire Marshal, or to the owner of such property, of his possession thereof, shall be deemed guilty of grand or petty larceny, as the case may be, according to the value of said property; and any person who shall be guilty of false swearing in any investigation under this subdivision, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as in other cases of perjury. Such Fire Marshal may be removed at any time by the same power or powers that appointed him. And in case of the removal, resignation, or death of such Fire Marshal, his successor shall be appointed in the same manner as hereinbefore provided. Such Fire Marshal is hereby authorized and empowered to appoint one or more persons, during the time of fire, for the purpose of saving and protecting property at such fire, and until it shall be delivered to the owner or claimant thereof, and such person or persons so appointed shall have, during such period, the authority and power of a policeman of such city, or city and county, and shall be known as the Fire Marshal's Police; and each of such persons shall wear, while in the discharge of his duty, conspicuously displayed on his person, such badge or device as such Fire Marshal shall designate. No person shall be entitled to any property in the hands of such Fire Marshal, saved from fire, until satisfactory proof of ownership be made, and until the actual expenses incurred by such officer for the preservation and keeping of the same shall be paid to him by the owner or claimant of said property; and in case of dispute as to the amount of such expenses, said dispute to be determined by the Justices' Court of such city, or city and county. Such Fire Marshal is hereby duly authorized and empowered to hold and sell, or cause to be sold, at public auction, all property in his possession, saved from a fire or fires, for which no owner can be found, after advertising the same in two daily newspapers published in such city, or city and county, for the period of thirty days; *provided, however*, that if, upon application of such Fire Marshal to the Police Judge, it shall appear that such property is perishable, such Judge may order such Fire Marshal to make sale thereof upon such notice as in the opinion of such Judge may be reasonable. The proceeds of all such sales, together with an account thereof, after deducting all expenses, shall be by him deposited with the Treasurer of such city, or city and county, to

be held by such Treasurer, subject to the claim of the owner of such property. Such Fire Marshal shall, from time to time, file with the Clerk of such city, or city and county, under oath, a statement and description of all property in his possession, or under his control and sold by him, together with the amount of money by him deposited with the Treasurer of such city, or city and county.

Maintain
fire alarm.

Thirtieth—To maintain a fire alarm and police telegraph in such city, or city and county.

Regulate
drifting of
sand.

Thirty-first—To require the owners of lots to prevent sand from drifting, being blown, or otherwise moved therefrom, into or deposited upon any paved, planked, or macadamized street, alley, place, park, thoroughfare, or other public property, and to enforce all such regulations by sufficient fines and penalties.

Maintain
House of
Correction.

Thirty-second—To maintain, regulate, govern, manage, and carry on a House of Correction, and to utilize therein and thereby the labor of all prisoners committed to the jail or House of Correction of such city, or city and county, by the Police Courts and the Superior Courts; to prescribe rules of commitment and detention of prisoners, hours of labor, and all necessary rules, regulations, and restrictions, for the proper operation of said institution. All prisoners sentenced to a term in the County Jail, or House of Correction, shall be deemed to have been sentenced to labor during such term. The Judges of Police Courts and of the Superior Courts, in such city, or city and county, may sentence criminals to the House of Correction when, in the judgment of such Judge, the criminal is too young to be sentenced to the State Prison, or when it is deemed better for the well being of the prisoner. No person shall be sentenced to imprisonment in the House of Correction for a shorter or longer term than that for which he might be sentenced in the jail of such city, or city and county, or in the State Prison; and in no case whatever for a shorter term than three months nor for a longer term than three years. No person who might be sentenced to imprisonment in the State Prison, shall be sentenced to imprisonment in the House of Correction if he is more than twenty-five years of age, if he has been once before convicted of a felony, or twice before convicted of petit larceny, nor unless, in the opinion of the Court, imprisonment in the House of Correction will be more for his interest than imprisonment in the State Prison, and equally for the interest of the public. The fact of a previous conviction may be found by the Court upon evidence introduced at the time of sentence. The Board of Aldermen of the city, or city and county, shall appoint a competent Superintendent of the House of Correction of such city and county, who shall also be Treasurer of said House of Correction, and who shall give good and sufficient bonds, in a sum, and with sureties, to be approved by said Board of Aldermen, for the faithful discharge of his duties, and to whom shall be paid a salary, to be fixed by them, not to exceed two hundred and fifty dollars per month, payable monthly. Said Superintendent shall only be removed for just and sufficient legal

cause, after a fair and impartial investigation of his case by said Board of Aldermen. He shall, immediately after his appointment, and when authorized by said Board of Aldermen, appoint, subject to the approval thereof, such subordinates as may be deemed necessary by the Board of Aldermen; and the pay of such subordinates shall be fixed by said Board of Aldermen, not exceeding one hundred dollars per month to each party so appointed. The Superintendent shall manage the general interests of the institution; see that its affairs are conducted in accordance with the requirements of this chapter and of such bylaws as the Board of Aldermen may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates; adjust and certify all claims against the institution. And all bylaws made by said Board of Aldermen for the management of said institution, and not contrary to the laws of this State, shall be binding, in all respects, upon said Superintendent, officers, and inmates; and said Superintendent shall each year prepare and submit, under oath, to the Board of Aldermen, a report of the concerns of said institution. The Superintendent shall reside at the House of Correction, have charge of its inmates and property, and be its Treasurer; keep accounts of all his receipts and expenditures, and of all such property, and account in such manner as the said Municipal Council may require, and hold all books and papers open to their inspection.

Maintain
House of
Correction.

Thirty-third—To maintain and regulate an Industrial School for the detention, management, reformation, education, and maintenance of such children, under the age of eighteen years, as shall be committed or surrendered thereto by the Courts of such city, or city and county, as vagrants, living an idle or dissolute life, or who shall be convicted by the Police or Superior Court of any crime or misdemeanor, or who, being tried for any crime or misdemeanor in such Court, shall be found to be under fourteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor; and said Council is empowered to regulate the commitment, detention, and discharge of such children, and to designate and prescribe the causes, terms, and conditions thereof; and the said Police Court and Superior Court shall have power to adjudge that such persons so convicted shall be so imprisoned; and persons so convicted shall remain at said Industrial School until he or she shall attain majority, unless a shorter time shall be fixed by said Court in the commitment. Such children shall be kept at such employments and be instructed in such branches of useful knowledge as may be suitable to their age and capacity. The Municipal Council may provide for binding out such children as apprentices during their minority, to learn proper trades and employments. There shall be a Superintendent of said Industrial School, to be appointed by the Board of Aldermen. He shall be deemed a public officer, whose salary shall not exceed two hundred and fifty dollars per month, and such other employés as may be necessary,

Maintain an
Industrial
School.

with salary not to exceed one hundred dollars per month each. Such Police and Superior Court, or either of them, upon the application of the Board of Aldermen, and upon its certificate that it is expedient to do so, shall have power to discharge any child committed to said Industrial School, and who is not bound out as an apprentice, or adopted, and may in like manner discharge such child upon the application, in writing, of the parents or guardian of such child, who shall not have been bound out or adopted, and after ten days notice, in writing, to the Board of Aldermen, if, upon the hearing of the application, such Police Court or Superior Court shall consider that such discharge is expedient.

Maintain
Almshouse,
etc.

Thirty-fourth—To establish and maintain an Almshouse, a City and County Hospital, a Smallpox Hospital, and such other institutions of the same character as are or may be necessary, and to perpetuate such institutions as may have been heretofore established in such cities, or cities and counties, heretofore incorporated.

Payment of
judgment.

Thirty-fifth—To order paid out of the General Fund any final judgment against such city, or city and county.

Public
Pound.

Thirty-sixth—To maintain, regulate, and govern a Public Pound, fix the limits within which animals shall not run at large, and appoint Poundkeepers, who shall be paid for out of the fines imposed and collected of the owners of impounded animals, and from no other source.

Improvement
of
water front.

Thirty-seventh—To allow and order paid out of the Street Department Fund such sums as may be deemed necessary for improvement of streets bordering on the water front, and improvement of sewers and streets in front of public property.

Burial of
indigent
dead.

Thirty-eighth—To allow and order paid out of the General Fund such sums as may be necessary for burying the indigent dead.

Pay of special
counsel.

Thirty-ninth—To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

Enact
certain
regulations.

Fortieth—To enact such general and special police regulations for such city, or city and county, as shall secure the health, comfort, and security of the inhabitants, the safety and security of property and life, and to enforce the same therein.

Regulation
of offices and
departments

Forty-first—To make needful rules and regulations for the administration, care, and maintenance and conduct of all departments and offices of such city, or city and county, when not otherwise in this chapter provided for, so as to secure more perfect safety of the public funds, and greater efficiency in all departments of the service, and to enforce the observation of such rules and regulations, and to authorize the appointment of such additional clerks, assistant deputies, and employes as in their judgment may be necessary for the proper discharge of the duties of such offices and departments.

Forty-second—To appropriate the moneys derived from the revenue of such city, or city and county, to a General Fund,

and such funds as have been heretofore or shall be hereafter established by law or the said Council, and as shall be necessary for the proper and economical administration of such city, or city and county.

General Fund.

Forty-third—To establish, maintain, and regulate free public libraries and reading rooms, and to perpetuate such free libraries and reading rooms as may have been heretofore established in such cities, or cities and counties, heretofore incorporated.

Free library.

Forty-fourth—To provide, fit up, and furnish, and provide with fuel, lights, stationery, and all necessary attendance, conveniences, and care, rooms convenient and accessible to the Courts, sufficient for the use and accommodation of a law library and those who have occasion to use it, and approved by the officers having the government of said library, and to perpetuate and in the same manner provide for any law library now existing in such city, or city and county, the use of which has been secured by law to the Courts, the Bar, and the city, or city and county, government. The Municipal Council shall have power, and it shall be their duty, to appropriate, allow, and order paid out of the proper fund, such sums as may be necessary therefor.

Law library.

Forty-fifth—To establish and maintain a free Medical Dispensary, and to perpetuate any such heretofore existing in such city, or city and county.

Medical dispensary.

Forty-sixth—To appoint a committee of five, three from the Board of Aldermen and two from the House of Assistant Aldermen, to be denominated the "Building Committee," to superintend the construction of buildings hereafter to be constructed for such city, or city and county, or now in progress of construction therefor, and to appoint a Secretary for such committee, and to fix his compensation, and, if necessary, also to appoint a Superintendent and Architect therefor, fix their respective compensation, and require of such Superintendent and Architect to execute bonds, with two sureties, conditioned for the faithful performance of their duty, in such sums as may be deemed necessary.

Building Committee.

Forty-seventh—To divide the city, or city and county, by ordinance, into twelve wards, to fix the boundaries thereof, and to change the same, from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general election, nor within twenty months after the same shall have been established or altered.

Division of city into wards.

Forty-eighth—To provide for the levy, collection, and appropriation of revenue heretofore by law provided to be collected for the erection and completion of any public building in and for such city, or city and county, in the manner as heretofore provided by any law of this State for the levy, collection, and appropriation of the same.

Levy and collection of revenue.

SEC. 65. The Municipal Council shall constitute a Board of Equalization for such city, or city and county, and as such shall have the powers conferred by the general laws regulating the assessment and collection of taxes, when not inconsistent with the provisions of this chapter.

Board of Equalization

Definition of
public
streets.

SEC. 66. All the streets, lanes, alleys, places, or courts, as laid down on the official map of such city, or city and county, and all other streets, lanes, alleys, places, or courts, now dedicated or open to public use, are hereby declared to be open public streets, lanes, alleys, places, or courts, for the purpose of this chapter; and the Municipal Council is invested with jurisdiction to order any of the work mentioned in section sixty-seven of this Act to be done on any of said streets, lanes, alleys, places, or courts, when the grade and width of said streets, lanes, alleys, places, or courts have been officially established; and for the purposes of this chapter the grade of all intermediate or intersecting streets, lanes, alleys, places, or courts in any one block shall conform to the grades as established of the crossings of the main streets.

Grading
streets.

SEC. 67. The Municipal Council is hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts, graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks to be constructed, and to order any streets and sewers cleaned, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved; and when any street, or portion of a street, has been or shall hereafter be constructed to the satisfaction of the Municipal Council and the Superintendent of Streets, and shall have a brick sewer, or cement or iron-stone pipe constructed therein, under such regulations as said Municipal Council shall adopt, the same shall be accepted by it, and thereafter shall be kept open and improved by such city, or city and county, the expense thereof, together with all work done in front of city, or city and county, property, to be paid out of the Street Department Fund, or other proper fund; *provided*, that the Municipal Council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length, or one entire crossing); *and provided further*, that it may, partially or conditionally, accept any street, or portion of a street, without a sewer or pipe therein as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repair and restoration of the street damaged in the said construction, when thereafter a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superintendent of Streets shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Construction
of sewers.

"Register"
of streets.

SEC. 68. The Municipal Council may order work authorized by this chapter, the cost and expense of which is made chargeable, or may be assessed upon private property by special assessment, to be done, after notice of its intention so

to do in the form of a resolution describing the work, and signed by the Clerks of both branches of the Municipal Council, has been published for the period of five days in the paper doing the printing for such city, or city and county, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in such city, or city and county, for five days, Sundays and non-judicial days excepted; *provided*, that no such notice shall be given or order made for the grading of any street, unless the majority of the frontage of the lots and land fronting on the work proposed to be done, and described in said resolution, or which is to be made liable for such grading, except public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said Municipal Council, stating that they are the owners and in possession or agents of the lots named in the petition, and also requesting that such improvements or street work shall be done. All owners of lands, or lots, or portions of lots, who may feel aggrieved or have objection to the ordering of the work described in said notice, or who may have objection to any of the subsequent proceedings of the Municipal Council in relation to the work mentioned in such notices of intention, or may have any objections to any of the acts of the Superintendent of Streets, and the City, or City and County, Surveyor of such city, or city and county, in the discharge of any of the obligations or duties imposed upon him or them by virtue of their offices, shall file with the Clerk of either branch of the Municipal Council a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved, or the acts or proceedings to which they object, which petition or remonstrance shall be passed upon by the Municipal Council, and its decisions thereon shall be final and conclusive; but the Municipal Council shall not order the work described in said notices to be done unless all objections and protests that may have been presented and filed as aforesaid shall have been by them disposed of. Should the owners or agents of more than one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the Clerk of either branch of the Municipal Council written objections against any grading described in said notice, at any time before the expiration of the publication of said notice of intention, and the publication thereof, as hereinbefore provided, then and thereupon the Municipal Council shall be barred from proceeding further for the period of six months, and shall not renew the notice of intention for doing any street work so protested against within six months, unless the owners or agents of a majority of the frontage of the lots and land fronting on said street work, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done. At the expiration of any notice of intention, the Municipal Council shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by this chapter; *and it is further provided*, that where any public street shall have been graded, or graded

Special
assessment
for work on
private
property.

Special
assessment
for work on
private
property.

and macadamized, or graded and paved, for the distance of one or two blocks upon each side thereof of any one or two blocks or crossing of a street which is not improved, it shall be the duty of the Municipal Council, upon the recommendation of the Superintendent of Streets, to order the notice provided in this section to be given without the petition provided first aforesaid; and if the owners of three fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved shall, within the time prescribed in said notice, file written objections to the improvement of the said street, such objection shall be a bar for six months for the doing of said work or making said improvement, except when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, the Municipal Council shall duly consider said objections before ordering said work; and if it shall decide and declare by an entry in the minutes of both branches thereof, that the objections so made are not good, thereupon it shall be deemed to have acquired jurisdiction to order any such street work to be done that is described in said notice; *provided further*, that when one half or more of the grading, planking, macadamizing, paving, sidewalking, or sewerage of any one street, lying between two main street crossings, has been already performed, the Municipal Council may order the remainder of such grading, planking, macadamizing, paving, sidewalking, or sewerage to be done, notwithstanding the objections of any or all of the property owners.

Manner of
compelling
certain
street work
to be done.

SEC. 69. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in section sixty-six of this Act, or their duly authorized agents, may petition the said Municipal Council to order any of the work mentioned in section sixty-seven of this Act to be done; and the said Board may order the work mentioned in said petition to be done, after notice of their intention so to do has been published, as provided in section sixty-eight of this Act. No order or permission shall be given to grade, or pile and cap, any street, lane, alley, place, or court, in the first instance, or any portion thereof, without extending or completing the same throughout the whole width of said street, lane, alley, place, or court. When any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots or portions of lots in front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterwards done to complete said street, lane, alley, place, or court to its full width, as provided in this chapter.

SEC. 70. At the expiration of publication of such notice, the Clerk of either branch of the Municipal Council shall cause to be transmitted to the City, or City and County, Surveyor, and to the Superintendent of Streets of such city, or city and county, a copy of the resolution, order, or ordinance authorizing the said street work. The said Surveyor shall

thereupon, within fifteen days from the completion of the publication mentioned in the last section, transmit to said Municipal Council a map of the district to be benefited by said street improvement; which map shall show the relative location of each lot to the work proposed to be done, and be signed by said Surveyor. The Superintendent of Streets shall also thereupon, within fifteen days from the completion of said publication, transmit to the Municipal Council an estimate of the cost and expense of said improvement, which said estimate shall contain the items composing the gross sum estimated, and shall be signed by said Superintendent.

Map to be transmitted.

Estimate of cost.

SEC. 71. The Municipal Council shall, at the first meeting after the receipt of such map and estimate, or as soon as may be practicable, either adopt, modify, or reject the same, and after its final action upon said map and estimate, the same shall be transmitted to said Superintendent of Streets, who shall record the same in a book to be kept by him for such purpose; and the said Superintendent shall forthwith prepare plans and specifications for such street work, and the Clerk of either branch of the Municipal Council shall cause to be conspicuously posted in the office of said Superintendent, and also published for five days (non-judicial days excepted) in the newspapers hereinbefore mentioned, a notice inviting sealed proposals to contract for the work contemplated to be performed; such work not to be performed, nor any contract for the same made or entered into, until after the moneys sufficient for the payment of the costs and expenses thereof shall have been levied, collected, and paid into the treasury of such city, or city and county, as hereinafter provided; which notice shall substantially contain the plans and specifications above mentioned; and all notices, resolutions, and orders required to be posted or published under the provisions of this chapter, shall be posted or published, or both posted and published, as the law may require, by said Clerk, as a matter of course, and without any special direction or authority from said Municipal Council. The said Superintendent shall furnish specifications for the performance of any and all street work ordered by the Municipal Council and authorized by this chapter, and the time within which said work must be completed after entering into the contract for doing the same. All proposals shall be delivered to the Clerk of either branch of the Municipal Council, and the House of which he is the Clerk shall, in open session, open, examine, and publicly declare the same; and all proposals shall be for a price, payable in gold coin of the United States; *provided*, said Municipal Council may reject any and all proposals, should they deem it for the public good, and also may reject the proposals of any party who may be proved delinquent or unfaithful with any former contract with such city, or city and county; and if all proposals shall be rejected, the Municipal Council shall direct the Clerk of either House thereof, to again post said notice, and publish the same as in the first instance. All proposals shall be accompanied with a bond to such city, or city and county, to be approved by the Clerk of either House of said

Adoption or modification of map.

Posting and publishing of notice.

Delivery of proposals.

Bond.

Election of
property
owners to do
work.

Municipal Council, in the sum of one thousand dollars, and in such additional amount as may be fixed by said Superintendent of Streets, with two good and sufficient sureties, who must be freeholders of such city, or city and county, said sureties to justify in double the amount, conditioned that the party making such proposal shall, or will, within ten days after notice from said Superintendent that the moneys for the cost and expenses for such work have been paid into the treasury, enter into a contract with such city, or city and county, in pursuance of such proposal, and to commence such work within five days after the execution of such contract, and complete the same within the time mentioned in the said plans and specifications, or either of them, or within any extended time; *it is further provided*, that all persons proposing, owners included, who shall fail to enter into any contract as herein provided, or to complete the contracts entered into, are hereby prohibited from proposing a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same. At any time within five days after such money has been paid into the treasury, the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners, or the agents of such owners, may elect to do the said work, and to enter into a written contract to do the whole work at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within five days after the execution of such contract, and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said contractor, or the property owners, fail to prosecute the same diligently or continuously, in the judgment of said Superintendent, or complete it within the time prescribed in the contract, or within the extended time, then it shall be the duty of said Superintendent to report the same to the Municipal Council, who shall immediately order the Clerk of either branch of the Municipal Council to advertise for proposals as in the first instance, and relet the contract in the manner hereinbefore provided; *and it is further provided*, that all contractors for street work shall, at the time of entering into said contract, execute a bond, payable to such city, city or county, with two or more sureties, in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said Superintendent, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond; such sureties to justify before said Superintendent or his deputy, and the qualifications and responsibility of such sureties shall be the same as prescribed for sureties on the official bonds of the officers of such city, or city and county; *and it is further provided*, that in case of the non-fulfillment by the obligor in either of the bonds mentioned in this section, of the conditions thereof, it shall be the duty

of the City, or City and County, Attorney to sue for and collect the sum in said bond mentioned, in any Court of competent jurisdiction, and pay the same into the city and county treasury, to the credit of the proper fund.

SEC. 72. After the proposal shall have been received and considered by the Municipal Council, the Superintendent of Streets shall make an assessment in proportion to the benefit upon all the land in the district shown upon said map. Said assessment shall show the work proposed to be done, the estimated cost thereof, the rate per front foot assessed against each lot within the assessment district, the amount of each assessment, the name of the owner of each lot, or portion of lot, if known to the Superintendent, and if such owner be unknown, the word "unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner, shall not render such assessment illegal), and the amount assessed thereon, the number of each lot, or portion of lot, assessed, and shall have attached thereto a diagram showing the assessment district, and the relative location of each lot assessed to the work proposed to be done, each lot being numbered in said assessment and diagram; and when completed shall be signed by said Superintendent, and transmitted to the Board of Aldermen.

Assessment.

SEC. 73. At the first meeting of the Board of Aldermen, after the receipt by it of the assessment made by said Superintendent, as soon thereafter as may be practicable, it shall cause notice of the time and place of the hearing of all objections to said assessment to be published for at least five days (Sundays and non-judicial days excepted), prior to the time of such hearing, in two daily newspapers, one published as a morning edition and one as an evening edition, in such city, or city and county. All objections shall be heard in open session of said Board of Aldermen. At said hearing said Board of Aldermen may alter, modify, or confirm said assessment, as it shall deem proper; and said Superintendent shall thereupon record said assessment and diagram in a book to be kept by him for that purpose. When so recorded, the several amounts assessed shall be deemed a tax levied upon the lands described in said assessment and diagram, upon which they are respectively assessed, and shall be a lien upon such parcels of land. Said Superintendent shall give to each assessment a number by which the fund collected for said work shall be known, and shall immediately after the record of said assessment, as hereinbefore provided, deliver the said assessment and diagram to the Tax Collector of such city and county, who shall thereupon cause to be published for ten successive days (Sundays and non-judicial days excepted), in two newspapers of general circulation, one of which shall be published as a morning edition and one as an evening edition, published in such city, or city and county, a notice containing a description of the proposed improvement, and of the portion of street or streets upon which the same is proposed to be done, that the same is in his hands for collection; that if said assessment is not paid within fifteen days from the date of the last publication

Notice of hearing objections to assessment roll.

Notice of proposed improvement and payment of assessment.

of such notice, that the same will be delinquent; that the property assessed, and upon which the assessment remains unpaid, will be sold by said Tax Collector for said assessment, a brief description of the property assessed, the amount assessed thereon, and the time and place of sale, which shall be not less than five nor more than ten days after such delinquency.

Sale of property for unpaid taxes

SEC. 74. On the day fixed for the sale, said Tax Collector, between the hours of ten A. M. and three P. M., must commence the sale of the property advertised, upon which the assessment remains unpaid, and sell the same at public vendue, in the office of said Tax Collector, to the person who will take the least quantity of the respective parcels of land assessed, and pay the assessment thereon, together with two dollars to said Tax Collector for the duplicate certificate of sale. If the purchaser does not forthwith pay the amounts of the assessment and costs by him bid, the Tax Collector shall immediately proceed to sell such parcel or parcels again, in the same manner, for the amount of said assessment and costs.

Duplicate certificate.

SEC. 75. After receiving the amount of the assessment and costs, said Tax Collector must make out in duplicate a certificate, dated on the day of sale, showing the name of the person assessed, when known, a brief description of the property sold, the street improvement for which the assessment was levied, the number of the assessment, that it was sold for an assessment, the amount thereof, that the same is subject to redemption at any time within one year after sale, and specifying the date when the purchaser will be entitled to a deed; and upon payment to said Tax Collector of the fee for recording the same, said Tax Collector shall deliver one of such duplicates to the purchaser, and the same day file the other in the office of the Recorder of the county, or city and county, who shall record the same.

Vesting of lien.

SEC. 76. Upon filing the said duplicate in the office of said Recorder, the lien aforesaid is vested in the purchaser, and is only divested by payment to him, or to the Treasurer of such city, or city and county, for his use, of the purchase money and costs, and two per cent per month and fraction of a month up to date of redemption thereon. 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.

Deed to purchaser and conclusions of law.

SEC. 77. If property is not redeemed within twelve months from the date of such sale, the Tax Collector must make to the purchaser, or his assignee, a deed, reciting substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged, shall be prima facie evidence that:

1. The property was assessed as required by law.
2. That the assessment was not paid.
3. That the property was sold at the proper time and place, and by the proper officer.

4. That the person who executed the deed was the proper officer therefor.

5. That the title to the property therein described is vested in the purchaser, his heirs, or assigns, free from all incumbrances, except taxes for purposes of revenue.

SEC. 78. Said Tax Collector shall daily pay into the treasury of such city, or city and county, to the credit of the proper Street Improvement Fund, all moneys collected by him on account of such fund, and shall, upon the receipt of any assessment, mark the same paid upon the assessment roll, and shall receipt to the person paying the same therefor, which receipt shall show the number of the Street Improvement Fund, the work done, the number of the lot upon which the assessment is paid, and the amount thereof.

Payment into treasury by Tax Collector.

SEC. 79. When the full amount of such assessment has been collected by said Tax Collector, the said Collector shall certify to the Superintendent of Streets that the same has been collected and paid into the treasury of such city, or city and county. Upon the receipt of such certificate from the Tax Collector, the said Superintendent shall forthwith notify the person whose proposal shall have been accepted by the Municipal Council, as aforesaid, of the payment of such money into the treasury, and that such city, or city and county, is ready to enter into a contract with such person for such work, in pursuance of said proposal; and said Superintendent shall hold himself in readiness to execute said contract on behalf of such city, or city and county. The Board of Aldermen may extend the time of performance of the contract, as fixed by the contract of specifications, upon the recommendation of said Superintendent; but the time of the performance shall in no event be in any manner extended beyond sixty days after the time fixed in such specifications or contract for the completion of said work.

Certificate of payment into treasury

Notification to contractor

Extension of time.

SEC. 80. Whenever any contract shall have been completed to the satisfaction and acceptance of the Superintendent of Streets, he shall deliver to the contractor a certificate to that effect, and shall also notify said Board of Aldermen that said work and improvement, and the contract therefor, have been completed to his satisfaction and acceptance, and that he has given to said contractor his certificate to that effect. Thereupon said Board of Aldermen shall direct the Clerk of said Board to give notice by publication for five days, in a newspaper published and circulated in such city, or city and county, that said work and improvement, and the contract therefor, have been completed to the satisfaction and acceptance of the Superintendent of Streets of such city, or city and county.

Certificate to contractor and publication of notice.

SEC. 81. Any person owning property which has been assessed to pay the cost and expenses of such work and improvement, feeling aggrieved at the manner in which such work and improvement shall have been done, or feeling aggrieved at any act or determination of said Superintendent of Streets in relation to said work and improvement subsequent to the date of the execution of the contract therefor, shall, within five days from the first publication of said

Appeal of property owner.

Acceptance of work.

Hearing of objections and notice.

notice, appeal to said Board of Aldermen by briefly stating their objections in writing, and by filing the same with the Clerk of said Board. At the meeting of the Board next ensuing after the expiration of said five days allowed above for filing said objections, the said Board, if no objections have been filed, shall, by resolution, ratify and confirm all said acts of said Superintendent of Streets, and shall accept such work and improvement. But if any such objections last aforesaid shall have been filed within said five days, then said Board shall fix the time for hearing such objections, and shall direct the Clerk of said Board to notify all persons desirous of being heard upon said objections of the time and place when and where said Board will hear all parties desiring to be heard upon the same. Said notice shall be in writing, and shall be given by posting the same in three of the most conspicuous public places in such city, or city and county, and published five days in two daily newspapers (one morning and one evening edition), at least five days before the time set for said hearing. At the time and place fixed for said hearing of said objections, said Board shall proceed to hear all parties present and desiring to be heard upon the matters specified in such objections. And whenever said Board shall have determined, by personal inspection or otherwise, that said work and improvement objected to have been completed in all respects according to the contract therefor, they shall, by resolution, accept said work and improvement, and ratify and confirm all said acts of said Superintendent of Streets in relation thereto.

Notice to Superintendent of Streets.

SEC. 82. If, upon such hearing, said Board of Aldermen shall determine, by personal inspection or otherwise, that said work and improvement have not been performed according to the contract therefor, then they shall notify the said Superintendent of Streets to that effect, specifying in said notice to him the particulars in which said contract has not been performed. And said Superintendent of Streets shall thereupon at once cause said contractor to complete said work and improvement under the contract therefor in those particulars specified by said Board in said notice to said Superintendent of Streets. Whenever said Board shall ascertain that said work and improvement have been completed in all respects according to the terms of the contract therefor, they shall, by resolution, accept such work and improvement. All acts and determinations of said Board of Aldermen upon appeals, under the provisions of this and the next preceding section, shall be final and conclusive upon all persons entitled to an appeal thereunder.

Payment to contractor.

SEC. 83. Whenever any work or improvement shall have been so completed upon any street, lane, alley, court, or place in such city, or city and county, for the payment of costs and expenses, of which an assessment shall have been levied and collected under the provisions of this Act, the said Board of Aldermen shall, by resolution, direct the Treasurer to pay out of the appropriate fund, at the expiration of fifteen days from the passage of such resolution, to the contractor who shall have so completed said work and improvement, the

amount to which he is entitled under the terms of his contract; *provided, however*, that such payment by the Treasurer shall be made subject to the following provisions, to wit: That any person or persons who have performed labor upon, or furnished materials for the construction of said work or improvement, may file within said fifteen days, with the Treasurer, any written claim or claims he or they may have on account of such labor performed or materials furnished; and, at the expiration of said fifteen days, said Treasurer shall pay to said contractor the amount specified in said last named resolution, less the aggregate amount of all such claims, if any, theretofore filed in accordance with the provisions of this section. Should any money be retained by said Treasurer on account of such claim or claims, he shall pay over the amount of each claim only upon the order therefor of said contractor, indorsed by the claimant entitled thereto, or upon the order therefor of any Court of competent jurisdiction.

Conditions.

SEC. 84. And when all moneys required to be paid by the said Treasurer, under the last preceding section, shall have been by him paid, as required in said section, if there is any money remaining in the fund out of which said payments shall have been made as aforesaid, it shall be the duty of said Treasurer immediately to report the amount of said remaining moneys to said Board of Aldermen. Thereupon it shall be the duty of said Board to empower and direct said Treasurer to distribute and repay such remaining moneys, and in the proportion of the amounts of the original assessments, to the persons by or for whom said original assessments were paid, or to their legal representatives. And it shall be the duty of said Treasurer, in each instance of such repayment, to require, receive, and file away a receipt of said proportionate amount from said persons or their legal representatives. And in no case shall a contractor, who has failed to fulfill the terms and conditions of his contract, be entitled to receive any portion of the contract price therefor, and he shall be deemed to have forfeited all right to recover or receive any compensation whatever under said contract.

Repayment of moneys.

SEC. 85. No contract to do any work upon any accepted streets, other than cleaning streets and sewers, shall be let, but such work shall be done under the direction of the Superintendent of Streets, by laborers employed by such city, or city and county, through said Superintendent, at such wages as may be, from time to time, fixed by the Municipal Council. All contracts for materials necessary to be used for work on accepted streets must be given by the Municipal Council to the lowest bidder offering adequate security, after due public notice, for not less than five days, in at least two newspapers published in such city, or city and county.

Kind of labor on accepted streets.

SEC. 86. In case of urgent necessity, the Superintendent of Streets may, and it shall be his duty to, repair any of the unaccepted public streets, sewers, or crossings cornering thereon; and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvement of accepted streets; and all such

Repairing streets, sewers, etc.

repairs shall be made in uniformity with the work to be repaired, but such repairs between two main streets shall not exceed in cost the sum of two hundred dollars, and the repairs of any crossings shall not exceed in cost the sum of one hundred dollars; *provided*, the sums so expended shall not exceed the sum of two thousand dollars in any one month. Such work, and the material therefor, shall be performed and provided in the same manner as provided in the foregoing section concerning labor and material for accepted streets.

No recourse on city for damage for accident on defective street.

SEC. 87. No recourse shall be had against such city, or city and county, for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of such city, or city and county, whether originally existing or occasioned by construction, excavation, or embankment, or want of repair of said street or public highway; and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same; but if any person while carefully using any street or public highway of such city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed; or any horses, animals, or other property be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded, as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

Damages, against whom.

Improvement of streets by property owners.

SEC. 88. The Superintendent of Streets may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this chapter, to improve forthwith any of the work mentioned in section sixty-seven of this Act in front of the property of which he is the owner, tenant, or occupant, to the center of the street or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of the premises; and, by a like notice, to be served personally upon the President or any officer of a railroad corporation or company, or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this chapter, which said corporation or company are required by law to do and perform; said notice to specify what improvement is required, or work is to be done. After the expiration of five days, if such notice shall not have been complied with, such proceedings shall be taken by the proper authorities to cause the moneys necessary for the doing of such work to be paid into the treasury, as is hereinbefore provided in

reference to work and improvements upon unaccepted streets, and to be paid for in the same manner.

SEC. 89. Notices in writing, which are required to be given by the Superintendent of Streets, under the provisions of this chapter, may be served by any police officer, or by any male citizen over the age of twenty-one years, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent (who is hereby authorized to administer oaths), or any other person authorized to administer oaths. The Superintendent of Streets shall keep a record of the fact of giving such notices and proof of service, and shall keep the original proof thereof.

Notice, how served.

SEC. 90. *First*—On or before the fourth Monday of July, annually, the Municipal Council of such city, or city and county, shall levy the amount of taxes for city, or city and county, purposes, required by law to be levied upon all property not exempt from taxation; said amount to be such as the said Council may deem sufficient to provide for the payment of all demands upon the treasury authorized by law to be paid out of the same; *provided*, that such taxation, exclusive of any and all special taxes, now or which hereafter may be authorized by law, shall not in the aggregate exceed the rate of one dollar upon each one hundred dollars valuation of the property assessed; *provided further*, that the said Municipal Council shall, in making the said levy of taxes, apportion and divide the taxes so levied, and to be collected and applied to the several specific funds known as the Corporation Debt Fund, General Fund, School Fund, Street Light Fund, Street Department Fund, or other fund provided for by law or by the said Council, according to the estimate of said Council of the necessities of the said funds, except that the rate for the School Fund shall not exceed thirty-five dollars for each pupil who shall have attended and been taught the preceding year; *and provided further*, that the said Municipal Council shall authorize the disbursement of said money for the purposes hereafter mentioned; and at the close of each fiscal year the said Council shall direct the Treasurer to transfer all surplus moneys of all funds, excepting the School Fund, after liquidating or providing for all outstanding demands upon said funds, to the General Fund; but no money shall be transferred from either of the said funds to another, nor used in paying any demands upon such other fund, until all the indebtedness arising in any fiscal year, and payable out of said funds so raised for said fiscal year, shall have been paid and discharged.

Levy of taxes.

Distribution of taxes into the various funds.

Second—The Corporation Debt Fund shall be applied to and used for the payment of the interest, and to extinguish or provide for the extinguishment of the lawfully contracted funded debts of such city, or city and county, in accordance with laws in force at the time of the organization of such city, or city and county, under this Act.

Corporation Debt Fund.

Third—The General Fund shall be applied and used for the payment of all sums authorized by law to be paid out

General Fund.

of the General Fund, and not otherwise provided for in this chapter.

School Fund. *Fourth*—The School Fund shall be applied and used for the payment of all sums authorized by law to be paid out of the School Fund.

Street Light Fund. *Fifth*—The Street Light Fund shall be applied and used in the payment for lighting the streets of such city and county, and for the repair of lamps and posts, in pursuance of any existing or future legal contract of such city and county.

Street Department Fund. *Sixth*—The Street Department Fund shall be applied and used for repairing and improving all streets, lanes, and the crossings thereof, which shall have been or hereafter may be accepted, so as to become a charge upon such city and county; for cleaning streets, lanes, crossings, and sewers; and for the expense of improvements of streets in front of school lots; for all street work in front of or assessable upon property belonging to such city and county; for all street work on the water front of such city and county, not by law assessable upon private property; for all work authorized by the said Council, upon the recommendation of the Superintendent of Streets, as immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property, and for such other objects relating to streets and highways as shall be directed by law or said Council to be paid therefrom. All moneys received from licenses on vehicles, from the income from street railroads, from fines and penalties for violation of any law or ordinance regulating vehicles on the public streets, shall be paid into the Street Department Fund.

No payment of public funds unless authorized by law.

SEC. 91. No payment can be made from the treasury or out of the public funds of such city, or city and county, unless the same be specifically authorized by law, nor unless the demand which is paid be duly audited, as in this chapter provided, and that must appear upon the face of it. No demand upon the treasury shall be allowed by the Auditor in favor of any person, officer, company, or corporation, in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law, or by the regulations established by the Municipal Council; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the President of the Board of Aldermen, or any member of the Finance Committee of the Municipal Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office, during the office hours prescribed in this chapter; and the

Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

SEC. 92. The term "audited," as used in this chapter, with reference to demands upon the treasury, is to be understood their having been presented to and passed upon by every officer and Board of officers, and finally allowed as required by law; and this must appear upon the face of the paper representing the demand, or else it is not audited. Definition of "audited."

SEC. 93. Every demand upon the treasury, except the salary of the Auditor, and including the salary of the Treasurer, must, before it can be paid, be presented to the Auditor for such city, or city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of such city and county is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the Auditor, or the Municipal Council, or either branch thereof, or any Board, committee, or officer, of any demand which, upon the face of it, appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the Treasurer or other disbursing officer for paying the same. No demand can be approved, allowed, audited, or paid, unless it specify each several item, date, and value composing it, and refer to the law, by title, date, and section, authorizing the same. What demands to be audited.

SEC. 94. The demand of the Auditor for his monthly salary shall be audited and allowed by the President of the Board of Aldermen. All other monthly demands on account of salaries, allowances, or compensations fixed by law or this Act, and made payable out of the treasury of such city, or city and county, may be allowed by the Auditor without any approval. All demands payable out of the School Fund must, before they can be allowed by the Auditor, or paid, be previously approved by the Board of Education, or by the President thereof, and Superintendent of Schools, acting under express authorization of said Board. Demands for teachers' wages, or other expenses appertaining to any school, cannot be approved, allowed, or audited to any amount exceeding the share of school money which such school will be entitled to have apportioned to it during the current fiscal year. All other lawful demands payable out of the treasury, or any public funds of such city, or city and county, and not hereinbefore in this section specified, must, before they can be allowed by the Auditor in any manner, or recognized, or paid, be first approved by the Municipal Council, except, if the demand be under two hundred dollars, by the Mayor and two members of the Board of Aldermen, appointed by the said Board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said Board. The Auditor must number and keep a record of all demands on the treasury allowed by him, showing the number, date, amount, and name of the How audited

Demands of Auditor, how allowed.

Other demands.

original and present holder, on what account allowed, out of what fund payable, and, if previously approved, by what officer, officers, or Board it has been so approved; and it shall be deemed a misdemeanor in office for the Auditor to deliver any demand with his allowance thereon until this requisite shall have been complied with.

Who may administer oaths.

SEC. 95. The Mayor, Mayor's Clerk, Auditor, Auditor's Clerk, Chief of Police, Police Commissioners, President of the Board of Education, each member of the Municipal Council, and every other officer required by law or ordinance to allow, audit, or certify demands upon the treasury, or to perform any other official act or function, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing concerning any demand upon the treasury, or otherwise relating to their official duties. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, or by a valid ordinance of the Municipal Council, passed in accordance with the same, or in case it is the act of a Board, who shall, as a member thereof, vote for the same, shall be liable to the city, or city and county, individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid. Every citizen shall have the right to inspect the books of the Auditor, Treasurer, Secretary of the Board of Alderman, and Clerk of the House of Assistant Aldermen, at any time during business hours. Copies or extracts from said books, duly certified, shall be given by the officer having the same in custody, to any citizen demanding the same and paying fifteen cents per folio of one hundred words for such copies or extracts.

Penalty for allowing illegal demands.

Payment of audited demands.

SEC. 96. Every lawful demand upon the treasury, duly audited as in this chapter required, shall in all cases be paid on presentation, and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the Treasurer.

Investigation of non-payment of audited demands.

SEC. 97. Whenever any audited demand has been presented to the Treasurer and not paid, and it be made known to the President of the Board of Aldermen, he shall proceed immediately to investigate the cause for such non-payment, and if it be ascertained that the demand has been illegally and fraudulently approved or allowed, he shall cause the officer guilty of such illegal and fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertains that the demand has been duly audited, and that the Treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he

refuses to apply thereto, he shall proceed against him as a defaulter. If it be ascertained that the demand was not paid for want of funds, then he shall cause the Tax Collector, or other officer or person who ought to have collected or to have paid the money into the treasury, if they have been grossly negligent therein, to be proceeded against according to law and without delay.

SEC. 98. The Treasurer, for all money received into the treasury, and all other officers of such city, or city and county, receiving money from the treasury for disbursement, shall give receipt for all moneys by them received, which receipt shall be presented to and countersigned by the Auditor. The Auditor, before countersigning any such receipt, shall number it and make an entry in a book of record, to be kept in his office for that purpose, of the number, date, and amount, by whom and in whose favor given, and on what account. No such receipt shall be valid as evidence in favor of the person or officer receiving it till presented to the Auditor and countersigned as aforesaid; and any person or officer using or offering to use such receipt as evidence in favor of such person or officer, of the payment specified in it, without being first countersigned as above required, shall forfeit to such city, or city and county, double the amount of money specified in such receipt.

Receipts for money by all officers.

Numbering and countersigning receipts.

SEC. 99. If any person feel aggrieved by the decision of the Auditor, or other proper officer or officers of such city, or city and county, except the Board of Education, in the rejection of or refusal to approve or allow any demand upon the treasury presented by such person, he may appeal and have the same passed upon by the Municipal Council, whose decision thereon shall be final; and if the said Council shall approve and allow the demand, it shall afterwards be presented to the Auditor, and entered in the proper book, in like manner as other demands allowed by him, and an indorsement must be made of its having been so entered before it can be paid; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction; *provided*, that from the decision of the President of the Board of Education and Superintendent of Schools, refusing or not agreeing to allow any demand payable out of the School Fund, the appeal shall be taken to the Board of Education, whose decision shall be final; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction.

Remedy against Auditor and other officers.

SEC. 100. In all cases of such appeals to the Municipal Council, or the Board of Education, if, in the opinion of said Council or of said Board deemed expedient, the opinion of the City, or City and County, Attorney shall be required, and obtained in writing, read, and filed; and upon such appeal, and in all other cases upon the approval or allowance of any demand upon the treasury or School Fund, the vote shall be taken upon "yeas" and "nays," and entered upon the records.

Opinion of City Attorney.

SEC. 101. The President of the Board of Aldermen, in conjunction with the Auditor and the Chairman of the

Examina-
tion of books
of Treasurer
and other
officers.

House of Delegates of such city, or city and county, shall, every month, examine the books of the Treasurer and other officers of such city, or city and county, having the collection and custody of the public funds, and shall be permitted, and it shall be their duty, to see and count over all the moneys remaining in the hands of such Treasurer, or other officer, after having previously ascertained the amount which should be remaining in his hands. The Finance Committee shall, also, twice a year, viz., on the first Monday in July and January, make the same examination of books, count said money, and report the result to the Municipal Council. If they ascertain clearly that such Treasurer, or other officer, is a defaulter, they shall forthwith take possession of all funds, books, and papers belonging to such office, and the President of the Board of Aldermen shall appoint a person to fill the same until the said defaulting officer can be proceeded against according to law, which shall be done without delay, and until the said officer shall be restored to duty or office, or until his successor shall be appointed, or elected and qualified. The person so appointed shall give bonds and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the Treasurer, or other officer so discharged as defaulter, be acquitted thereof, he shall resume his duties.

One twelfth
law.

SEC. 102. Neither the Municipal Council, the Board of Education, nor any other Board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable, in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of such city, city and county, or the funds thereof, which shall, in the aggregate, exceed one twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment, or liability, to be expended within the fiscal year of which said month is a part; *provided, however,* that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of such city, or city and county, and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the Municipal Council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such city, or city and county; and all officers of such city, or city and county, are hereby charged with notice of the condition of the treasury of such city, or city and county, and the extent of the claims against the same.

SEC. 103. It is the duty of the Superintendent of Streets to keep an exact account of all street and sewer work upon accepted streets, and it shall be the duty of the Building

Committee to keep an account of all work done on all public buildings, and every other expenditure chargeable against the treasury in any of the departments under charge of said Building Committee and officers; and it is the duty of the Superintendent of Schools, the President of the Board of Education, the President of the Board of Fire Commissioners, the President of the Board of Election Directors, the President of the Board of Police Commissioners, and every other officer and Board having the power to contract any demand, or to aid in the contraction of any demand against said treasury, to keep an exact and full account of all purchases, expenditures, and liabilities made or contracted in their respective departments; and for the purpose of making such accounts, said officers shall have power to demand and receive from every other city, or city and county, officer, detailed statements in writing, when necessary to keep said accounts, and it is hereby made the duty of any and all officers to furnish said statements when demanded; such accounts shall be constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this chapter and existing laws has been contracted for, paid, or rendered liable to pay in the present and future. Such accounts shall show every contract for street and sewer work, public buildings, purchases of material, or supplies, or other expenditure, in whatever department it is made, from its incipency through the various stages of progress to completion, with the amount to be paid for the same so far as the same is capable of exact estimation, and when not, then a sworn estimate by the proper officer of the probable cost. Whenever, at any time, the contracts performed or unperformed, claims due, or to become due, exceed said one twelfth part of the amount that can be lawfully expended out of any fund in the current fiscal year, the President of the Board, head of department, or other officer or Board having the supervision of such expenditure, shall give notice thereof in writing, as to his or their department, to the Auditor, and the Treasurer, and to the Municipal Council, a notice in writing, served upon the clerks of each branch thereof, and shall post the same in his or their office, from which time no further contracts shall be made, or expenditures authorized or allowed, until such time has elapsed as will allow of further proceedings consistent with the provisions of the law.

Duties of certain officers under the one twelfth law.

SEC. 104. Any failure or neglect on the part of any of said officers or Boards, or members of Boards, to comply with any of the provisions of the preceding sections, shall render such officer, and each member of such Board consenting thereto, liable personally and upon his official bond to any contractor, or other person, suffering damage by said failure or neglect; but such contractor or person damaged shall have no remedy against such city, or city and county, and the said officers or members of Boards authorizing or aiding to authorize, auditing or allowing any claim or demand upon or against said treasury, or any fund thereof, in contravention thereof, shall be liable in person and on his official bond to the contractor

Penalty for non-compliance with law.

or person damaged, to the extent of his loss. The Treasurer paying any claim authorized, allowed, or audited, in contravention of the provisions thereof, shall be liable on his official bond to refund the same to such city, or city and county, and it shall be the duty of the City, or City and County, Attorney to sue for the same, if necessary.

Exception to operation of one twelfth law.

SEC. 105. In case of any great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of the three preceding sections may be temporarily suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization shall be passed by the unanimous vote of all members elected or appointed to each house of the Municipal Council, and entered in the journals of each house, and the character and fact of such emergency must be recited in the ordinance authorizing such action; and such ordinance must be approved by the Mayor, Auditor, and Treasurer of such city, or city and county.

Printing and advertising must be let to lowest bidder.

SEC. 106. All city, or city and county, official printing and advertising, for all departments thereof, excepting that of the Sheriff's office, shall be let by the Municipal Council during the month of January of each year, to the lowest responsible bidder, printing, publishing, and proposing to advertise in a newspaper of general circulation in such city, or city and county, and that has been in existence at the time of the letting of said contract at least three years; *and provided*, that any such newspaper may bid for the whole or any part of the advertising. The bids shall be opened by the Board of Aldermen, and all bidders may be present thereat. No bid shall be considered in which there shall be any erasure or interlineation. All such contracts, when awarded, shall be entered into and bonds taken by the Clerk of the Board of Aldermen, in such sum and containing such conditions as the Board of Aldermen shall provide.

Contracts, how made.

SEC. 107. All contracts relating to city, or city and county, affairs, shall be in writing, signed and executed in the name of the city, or city and county, by the officer authorized to make the same; and in cases not otherwise directed by the law, such contracts shall be made and entered into by the Mayor. All contracts shall be countersigned by the Auditor and registered, by number and dates, in his office, in a book to be kept by him for that purpose. In all cases of letting contracts to bidders, when for any reason a contract fails of completion, new bids shall be invited, opened, and awarded, as provided in this chapter in the first instance, until a sufficient contract is executed. In all cases when the Board of Aldermen have reason to think the prices too high, or that bidders have combined together to prevent genuine bidding, or for any reason that the public interests will be subserved, it may, in its discretion, reject any and all bids, and cause the same to be readvertised. The provisions of this Act, as to bids and contracts, shall be enforced by the Municipal Council by appropriate ordinances as to all bids, proposals, and

contracts with such city, or city and county, or any department thereof.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SEC. 118. The Mayor shall be the chief executive officer; shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States, and of this State, and a resident in such city, or city and county, for three years. It shall be his duty vigilantly to observe the official conduct of all public officers of such city, or city and county, and to take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration, and disbursement of the public funds and property, for which purpose the books, records, and official papers of all Boards, officers, and magistrates of such city, or city and county, shall at all times be open to his inspection. He shall take especial care to see that the books and records of all such officers are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may have discovered, or which shall have been reported to him, shall at the earliest opportunity be laid before the Municipal Council, and before the Grand Jury, in order that the public interests shall be protected and the officer in default be proceeded against according to law. He shall, from time to time, give the Municipal Council information relative to the state of such city, or city and county, and shall recommend to their consideration such measures as he may deem expedient in the interests of the city. He shall take care that the laws of the State and the ordinances of the Municipal Council are enforced.

Qualifications and duties of Mayor.

SEC. 119. Whenever and so long as the Mayor, from any cause, is unable to perform his official duties, the Board of Aldermen shall designate one of their number as Mayor pro tempore, who shall perform the same.

Mayor pro tempore.

SEC. 120. The Mayor may, by due notice, call special sessions of the Municipal Council, and shall specially state to them, when assembled, the objects for which they have been specially convened, and their actions shall be confined to such objects.

Special sessions of Council.

SEC. 121. The Auditor shall be the head of the finance department of such city, or city and county, and as such required to be constantly acquainted with the exact condition of the treasury, and every lawful demand upon it. He shall keep a public office, and give his personal attendance there daily during the office hours fixed in this chapter, and shall not follow or engage in any other occupation or calling while he holds said office. If he absents himself from his office during such office hours, except on indispensable official business or urgent necessity, he shall lose his salary for the day; and it shall be a part of his official duty to keep account of the times and occasions when he shall be so absent from duty. He shall be the general accountant of such city, or city and county, and as such it shall be his duty to receive

Duties of Auditor.

and preserve in his office all accounts, books, vouchers, documents, and papers relating to the accounts or contracts of such city, or city and county; its debts, revenues, and other fiscal affairs, and to adopt a proper mode and manner of double entry bookkeeping, and keep the accounts of such city, or city and county, general and special, in a systematic and orderly manner. He shall state and render all accounts filed or kept in his office between the city and other persons or body corporate, except when otherwise provided by law or ordinance. He shall have power to administer oaths, and shall require settlements of accounts to be verified by affidavit whenever he thinks proper. He shall be responsible for all acts of his employes.

Duties of
Treasurer.

SEC. 122. The Treasurer of such city, or city and county, shall receive and safely keep in a secure fireproof vault, to be prepared for that purpose, all moneys belonging to or which shall be paid into the treasury, and shall not loan, use, or deposit the same or any part thereof to or with any banker or other person, nor pay out any part of said moneys except on demand authorized by this chapter, and after they have been duly audited. He shall keep the key of said vault, and not suffer the same to be opened except in his presence. At the closing up of the same each day he shall take an account and enter in the proper book the exact amount of money on hand, and at the end of every month he shall make and publish a statement of all receipts into and payments from the treasury, and on what account. If he violates any of the provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and be liable to removal, and shall be proceeded against accordingly. If he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment in the State Prison for a period not less than three months nor more than ten years.

Duties of
Treasurer.

SEC. 123. The Treasurer shall keep the money belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another, except as otherwise provided in this chapter, without an express ordinance of the Municipal Council, which can only be made during or after the end of the third quarter of the fiscal year, by a vote of two thirds of each House. The said Treasurer shall give his personal attendance at his public office, during the office hours fixed by this chapter, and if he be absent himself therefrom, except on account of sickness or urgent necessity during such office hours, he shall lose his salary for the entire day on which he was absent.

Duties of
County
Clerk.

SEC. 124. The County Clerk of such city and county shall take charge of and safely keep, or dispose of according to law, all books, papers, and records, which are or may be filed or deposited in his office, and of all the Courts of which he is

Clerk; and he shall not allow any paper, files, or records to leave his custody, except when required by the Judges of the Courts, to be used by them or any of them.

SEC. 125. No Judge or officer of any Court shall make any order for the delivery by the County Clerk of such city and county, of any paper, files, or records in his custody, except bills of exceptions and statements on motion for a new trial; nor shall the Courts, or Judges thereof, have any power to make orders for the delivery of any certificate of incorporation, bonds, or other papers, filed with the said County Clerk. Whenever any of said papers are required for evidence in any of the Courts within such city and county, the County Clerk, or his deputies, shall produce the same, under subpoena or order of the Court, or furnish certified copies of the same on application, on payment to said Clerk for said copy, at the rate of ten cents per folio for each hundred words, which shall be paid into the city and county treasury by him.

Original papers not to be produced in Court except on subpoena

SEC. 126. Neither the County Clerk nor any of his deputies shall be required to attend as witnesses, in their official capacities, outside of such city and county, except in criminal cases, unless his expenses be paid, at the rate of ten cents per mile to and from the place where he may be required, and three dollars a day for each day's attendance. A sufficient number of deputies shall be assigned by him as Court-room Clerks, to the various Courts of which he is the official Clerk, while such Courts are in session, and to do duty in the office when such Courts are not in session. He shall transfer such deputies to duty in Court, or at his office, as the exigency of the service may require, so as to efficiently perform the work in the most economical manner possible.

County Clerk not to attend as witness outside of city unless his expenses are paid.

SEC. 127. On the commencement in or removal to the Superior Court of such city and county of any civil action or proceeding, he shall collect from the plaintiff, or party instituting such proceeding or filing the first papers therein, the sum of one dollar, and pay over the same at the end of each month to the Treasurer of the law library provided for in this chapter; and the payment of the sum of one dollar shall be a condition precedent to the commencement of such action or proceeding, for which sum so required to be collected, he and his sureties shall be responsible on his official bond.

Fee for law library.

SEC. 128. The Tax Collector, upon the final settlement to be made by him as such Tax Collector, according to the requirements of the law, shall be charged with, and shall pay into the hands of the Treasurer, the full amount of all taxes paid to him under protest or otherwise, or by him collected and not previously paid over, without any deduction of commissions, fees, or otherwise; he shall also be charged with and be deemed debtor to the treasury for the full amount of all taxes due upon the delinquent list delivered to him for collection, unless it be made to appear that it was out of his power to collect the same by levy and sale of any property liable to be seized and sold therefor. If the impossibility to collect any portion of such delinquent taxes have resulted from such negligence or defects in such assessment caused by the willful misconduct of the Assessor, then the Assessor

Tax Collector to be charged with moneys, etc., coming into his hands.

whose duty it was to make the assessment shall be liable and be deemed debtor to the treasury for the amount remaining uncollected for that cause.

Election of
Assessor and
his duties.

SEC. 129. There shall be elected by the qualified voters of such city, or city and county, at the general State election, an Assessor, who shall take office on the first Monday after the first day of January next following his election, and hold for the term of four years, and until his successor is elected and qualified. It shall be his duty to assess all taxable property within such city, or city and county.

Duty of
Sheriff.

SEC. 130. The Sheriff shall attend in person, or by deputy, all the Courts in and for such city and county, except the Police Courts. He shall obey the lawful orders and directions of such Courts, and in all other respects conform to the laws regulating Sheriffs in this State.

Duties of
Recorder.

SEC. 131. The Recorder of such city and county shall have the custody of all books, records, maps, and papers deposited in his office. He, or his chief deputy, when any papers are presented for registration, or to be copied, shall write on the margin of each paper so presented, the number of folios paid for, and shall, in his monthly return to the Treasurer, certify under oath the number of folios copied or registered by each deputy or copyist appointed by him; and such certificate of the Recorder or his chief deputy shall be conclusive evidence to authorize the Auditor to audit such certified accounts of such deputies or copyists monthly. He shall appoint as many copyists as he shall deem necessary to the proper discharge of the duties of his office, who shall be paid at the rate of twelve cents per folio of one hundred words for all matters registered or copied by them respectively.

Duties of
District
Attorney.

SEC. 132. The District Attorney is the public prosecutor, and shall be an attorney of the Supreme Court, and shall attend the Superior Court of this State, in and for such city and county, and such other Courts as may be hereafter established in and for the same, and conduct therein, on behalf of the people, all prosecutions for public offenses. He shall perform such other duties as are prescribed by law.

Duties of
City and
County
Attorney.

SEC. 133. The City, or City and County, Attorney, shall be an attorney of the Supreme Court, and shall prosecute and defend all suits and actions at law and in equity, and conduct all legal proceedings, in the Courts and elsewhere, necessary to preserve and protect such city's, or city and county's, rights, whether such suits or proceedings be conducted in the name of such city, or city and county, or in the name of others. He shall give legal advice to the city government, and all the officers, Boards, and departments thereof, when required so to do, and perform such other duties as such attorney as the Municipal Council shall from time to time prescribe. He shall keep in his office well bound books of registry, in which shall be entered and kept a register of all actions, suits, and proceedings in which such city, or city and county, is interested. Each outgoing City, or City and County, Attorney shall deliver such books and all other records, law reports, quarterly reports from Municipal Boards and officers, documents, statutes, papers, furniture,

and property, in his possession, to his successor in office, who shall give him duplicate receipts therefor, one to be filed in the office of the Auditor and one to be retained by the outgoing City, or City and County, Attorney.

SEC. 134. The Public Administrator of such city, or city and county, shall be subject to the orders of the Superior Court in and for such city, or city and county, and shall perform all the duties prescribed by law. Public Administrator.

SEC. 135. The Coroner of such city, or city and county, in addition to the duties imposed by law upon every Coroner, shall keep a record of all inquests held by him, with a copy of all testimony and the inquisition of the jurors in full; and in case of loss of the original records, the same shall be admissible in evidence with like effect as the original would have been. He may appoint such deputies, and a messenger or messengers, as are allowed in this Act, or as may be hereafter allowed by the Municipal Council of such city, or city and county. He shall receive no fees for any services rendered by him. Duties of Coroner.

SEC. 136. The Superintendent of Streets shall keep a public office, in some convenient place, to be designated by the Municipal Council. His office shall be kept open as in this chapter provided. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his said office. He shall have under his special charge the construction, reconstruction, repairing, and cleansing of all public sewers, manholes, sinks, drains, cesspools, and of the public streets, highways, alleys, places, and squares, excepting the parks. It shall be his duty to see that the laws, orders, and regulations relative to the public streets and highways, alleys, places, and squares, are carried into execution, and that the penalties therefor are rigidly enforced, as may be prescribed by the Municipal Council. He shall keep himself informed of the condition of all public streets, highways, alleys, places, and squares; and should he fail to see that the laws, ordinances, and regulations relating to the public streets, highways, alleys, places, and squares, are carried into execution, after notice from any citizen of a violation thereof, such Superintendent and his sureties shall be liable upon his official bond to any person injured in person or property by such official neglect. Duties of Superintendent of Streets.

SEC. 137. The City, or City and County, Surveyor shall be Engineer-in-Chief of such city, or city and county, and of the sewerage system; shall make all necessary plans, surveys, maps, and drawings, and other necessary things, and keep the same in his office; and all such maps, plans, machinery, and drawings shall be the property of such city, or city and county, and remain in the office, and be transferred by the outgoing to the incoming officer. He shall do all necessary surveying and engineering for the streets, alleys, highways, and squares, at the request of the Municipal Council, or of any committee appointed by either branch of the same, and all or any other surveying and engineer work that such Duties of Surveyor.

city, or city and county, may require, and of the public parks, at the request of the Park Commissioners.

Appoint-
ment of Col-
lector of
Licenses and
his duties.

SEC. 138. Within twenty days after their first meeting, the Municipal Council of such city, or city and county, shall appoint a suitable person as Collector of Licenses of such city, or city and county, who shall hold office for two years from and after his appointment, and until his successor shall be appointed and qualified. In case of a vacancy occurring by death or otherwise in the office of the Collector of Licenses of such city, or city and county, holding his office under the provisions of this chapter, the same shall be filled for the remainder of the unexpired term by appointment of the Board of Aldermen; and in case of the inability of said Collector of Licenses to act, his place shall, in the same manner, be temporarily filled until such disability is removed. The Collector of Licenses and his deputies are hereby authorized, empowered, and required to collect all the municipal licenses now required to be collected, or which shall hereafter be required to be collected by them, or either of them; and it shall be the duty of said Collector of Licenses, and his deputies, or assistant Collectors, to attend to the collection of licenses, and examine all places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as police officers in serving process or summons, and in making arrests; also, shall each have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and exercise of their official duties; and they, and each of them, are hereby empowered to enter any place of business for which a license by law is provided and required, free of charge, at their pleasure, and to demand the exhibition of any license for the current time from any person, or firm, or corporation engaged or employed in the transaction of any business for which a license is by law rendered necessary; and if such person, or firm, or corporation, or either of them, shall be unable, or refuse, or neglect, or fail to then and there exhibit such license, he, she, or they, as the case may be, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished accordingly.

SEC. 139. The Collector of Licenses shall daily pay to the Treasurer of such city, or city and county, all moneys so collected for licenses sold, or by him received as fees; and shall, under oath, at least once in each calendar month, and oftener when required so to do by the Auditor, make to the Auditor a report of all such licenses sold and on hand, and of all amounts so paid to the City or City and County Treasurer; shall at such time exhibit to the Auditor all unsold licenses in his hands, and the Treasurer's receipts for all moneys paid into the treasury; and all licenses so signed by the License Collector, or Deputy License Collector, or either of them, shall be as valid as if signed by the City, or City and County, Treasurer. All fees so paid to him shall be placed to the credit of the proper fund by the Treasurer.

SEC. 140. The Department of Police of such city, or city and county, shall consist of: Department of Police.

First—A Board of Police Commissioners of such city, or city and county, consisting of five members, each of whom shall be a qualified voter, at least thirty years of age, and shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, for five years next preceding his appointment, four of whom shall be appointed by the Governor and Chief Justice of the Supreme Court of the State of California, within thirty days after the organization of such city, or city and county, under this Act, and who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment, and until their successors are appointed and qualified; and in the month next preceding the expiration of the said term, and every four years thereafter, the said Governor and Chief Justice of the Supreme Court shall appoint their successors, who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment; but in making such appointments, the said Governor and Chief Justice shall select two qualified persons from each of the two dominant national political parties. Vacancies that may occur in the office of any of the members so appointed shall be filled by appointment by said Governor and Chief Justice, of some suitable person of the same political party as that to which the last incumbent belonged, and for the remainder of the vacant term only. The four members appointed, as hereinbefore provided, shall meet in such city, or city and county, on the first Monday next succeeding the date of their appointment, and shall forthwith organize by electing one of their number President, and shall appoint the other member of said Board, who shall be the Chief of Police of such city, or city and county. Every member of said Board shall, before he enters upon the duties of his office, 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; that I will faithfully discharge the duties of Police Commissioner according to the best of my ability; and that in the discharge of my duties I will make no appointment to or removal from the police force for political or partisan reasons; and that I will, to the best of my ability, discharge the duties of said office impartially and uninfluenced by political considerations, or any consideration other than that of the public good." Every member of said Board who shall absent himself from such city, or city and county, for the continuous period of sixty days, shall, by force thereof, cease to be a Police Commissioner, and his office shall become vacant. No member of said Board shall be eligible to any other office during his incumbency of the office of Police Commissioner. No member of said Board shall, during his term of office, be a member of any convention, the purpose of which is to nominate candidates for office, nor act as a Judge, Inspector, Clerk, or officer of any election, or primary

Police Commissioners, how appointed.

Vacancies, how filled.

Meeting of Commissioners.

Oath.

Duties of Board.

Duties of Board.

election, or take part in any election except to deposit his vote; nor shall any member of said Board, directly or indirectly, influence, or attempt to influence or control, the political action of any member of the police force of such city, or city and county, or any employé of said department; nor shall any member of said Board collect, or suffer to be collected, from any member or employé of said department, any assessment or contribution for political purposes. A violation of any of the provisions of this section shall be a misdemeanor, and shall be cause for the immediate removal from office of the person guilty of such violation. The said Board shall hold sessions at least once a month in the office of Chief of Police, or in such other convenient place as the Municipal Council of such city, or city and county, shall designate, or in case of emergency, at such place as it shall select, and the Clerk of the Chief of Police, hereinafter provided for, shall act as Clerk of said Board. Every member of said Board, and the Clerk of said Board, shall have power to administer oaths in all matters pertinent to the business of their respective offices, and in all investigations pending before said Board, or any member thereof. The said Board shall keep a record of its proceedings. The said Board shall have power:

Powers of Board.

1. To appoint, suspend, or remove any person from the police force of such city, or city and county; *provided, however*, that the Chief of Police shall only be removable in the manner provided by law for the removal of other municipal officers.

Prescribe rules.

2. To prescribe all needful rules and regulations for the control, government, and discipline of said police force, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any of them.

Determine complaints.

3. To hear and summarily determine all complaints of misconduct, inefficiency, or other charge against any member of said police force, and to take such action thereon as shall be conducive to the maintenance of the discipline and efficiency of the same.

Grant permits.

4. To grant permits to all persons desiring to engage in the retail liquor business in such city, or city and county, and to revoke any such permit whenever it shall be made to appear to said Board that the retail liquor business of the person to whom such permit was given is conducted in a disorderly or improper manner, or whenever it shall be made to appear that the person to whom such permit was granted has, after the grant of such permit, been convicted in the Police or other Court of such city, or city and county, of disorderly or improper conduct, or of the commission of any criminal offense upon the premises whereon such retail liquor business is conducted: *provided, however*, that whenever said Board refuses to grant such permit, or proposes to revoke such permit, the person who is refused such permit, or whose permit is proposed to be revoked, shall be entitled to be heard before said Board in person or through counsel, and to have free of charge all reasonable facilities for the full, fair, and impartial hearing on the merits of his application or opposi-

tion. In such permit shall be distinctly stated and described the name of the person to whom the same is given, and the premises on which such retail business is proposed to be carried on.

5. Upon the petition of any person, firm, or corporation, to appoint a special officer to do special service to be paid for by such person, firm, or corporation, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality shall be described in his warrant of appointment; *provided*, that no special officer shall be appointed to act in any part of such city, or city and county, commonly known as the Chinese quarter; *and provided further*, that all special officers shall report daily to the Chief of Police, and be subject to his orders in case of emergency; and in no event shall such officers be paid by such city, or city and county. Appoint special officers.

6. To prescribe the badge of office and uniform to be worn by all members of the police force, and the badge of office to be worn by all special officers. Badge.

7. To allow and order paid out of the Police Contingent Fund, for contingent expenses, any and all orders signed by the Chief of Police; *provided*, that the aggregate of such orders shall not exceed the sum of seven thousand two hundred dollars a year, which sum shall be set apart annually in the treasury of said city and county for this purpose. Contingent expenses.

8. To appoint substitutes, not to exceed four per cent of the police force, to serve under such regulations, and subject to such restrictions as it may prescribe, and without pay from such city, or city and county. Appoint substitutes.

9. To issue subpoenas, tested in the name of its President, and to enforce obedience thereto, and punish disobedience thereof, in the same manner and to the like extent as the Justices' Court of such city, or city and county; and to exercise the same powers as the said Justices' Court in preserving decorum in all open sessions of said Board, and to punish any contempt committed thereat. Issue subpoenas, etc.

10. To designate the prisons to be used for the reception of all persons arrested, convicted, or sentenced for public offenses in cases not provided for by law or by ordinance; to establish stations and station houses, or sub-stations and sub-station houses, at its discretion, for the accommodation thereof of members of the police force, and as places of temporary detention for persons arrested. Designate prisons.

11. In its discretion, on conviction of a member of the force of any legal offense, or neglect of duty, or violation of the rules of the Board, or neglect of or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or other breach of discipline, or immoral conduct, or any conduct unbecoming an officer, to punish the offending party by reprimand, forfeiting and withholding pay for a special time, suspension, or dismissal from the force; all such fines shall be immediately paid into the treasury to the credit of the Police Life and Health Insurance Fund. Discretionary power.

12. To issue to every member of the police force a proper

- Warrant of appointment. warrant of appointment, signed by the President, and countersigned by the Clerk of the Board, which warrant shall contain the date of his appointment and his rank.
- Supplies. 13. To make requisition on the Municipal Council of such city, or city and county, for all supplies or necessaries that may be required in the administration of the department; *provided*, that the aggregate amount of the same, exclusive of salaries, shall not, in any one fiscal year, exceed the sum of five thousand dollars.
- Report, when made. 14. To annually, on or before the first day of August, report to the Municipal Council an estimate of the amount of money that will be required to pay all salaries of the department, and of the amount of money that will be required for the administration and support of the department in such year, specifying in detail the purposes and items for which the same will be required, with the estimated cost thereof, respectively.
- Sale of property. 15. To provide for the custody, care, restitution, sale, time, place, and manner of sale of all property that may come into the possession of the Property Clerk hereinafter provided for.
- Control Police Life Insurance Fund. 16. To control, care for, and manage the Police Life and Health Insurance Fund hereinafter mentioned, which fund shall consist of the moneys retained from the monthly salaries of the members of the police force, fines collected from members of said force, and of such other moneys as may be contributed thereto by law, or ordinance, or by gift, devise, or bequest, and of all moneys to the credit of said fund at the time said Board shall take office, and to invest the moneys of said fund in such of the following securities as shall seem most safe and profitable, viz.: the bonds of such city, or city and county, the bonds of the State of California, and the bonds of the United States of America. The moneys and securities shall be held by the Treasurer of such city, or city and county, who shall have no power to deposit, pledge, or in any other way part with the same, except on the order of said Board.
- Payment to heirs out of fund. 17. To order paid, upon the death of any member of the police force, out of the Police Life and Health Insurance Fund, to the heirs of such member, the sum of one thousand dollars.
- Repayment to infirm officers. 18. To order paid, out of the Police Life and Health Insurance Fund, to any police officer who shall resign by reason of bad health or bodily infirmity, the amount of the principal sum which such officer shall have contributed thereto.
- Repayment to incompetent officers. 19. To order paid, out of the Police Life and Health Insurance Fund, to any officer dismissed for mere incompetency, not coupled with any offense against the laws of this State, an amount not exceeding one half of the principal which such officer may have contributed thereto; *provided*, that any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.
- Registration of demands. 20. In case said Police Life and Health Insurance Fund shall not be sufficient to pay the demands on it, to cause such

demands to be registered, and to be paid in their order out of the fund as received.

21. When the Police Life and Health Insurance Fund shall exceed the sum of fifty thousand dollars, to allow and order paid out of the same, to any officer who shall have been permanently disabled while in the discharge of his duty as such officer, such sum as in their judgment they shall deem proper, not to exceed one thousand dollars; but in no case shall said fund be reduced thereby below the sum of fifty thousand dollars. The President of said Board shall receive a salary of three thousand dollars per annum. The other members of said Board shall each receive a salary of one thousand two hundred dollars per annum, payable monthly, at the end of each and every month.

Repayment
of excess to
certain
officers.

Second—A Chief of Police, appointed as hereinbefore provided, who shall have power to select and designate one police officer to serve as Clerk to the Chief of Police; one police officer to serve as Property Clerk, who, before entering upon his duties, shall give bond with good and sufficient sureties in the sum of ten thousand dollars to such city, or city and county, to be approved as in cases of other official bonds, which bond shall be filed with the Auditor of such city, or city and county; twelve Detective officers, and thirty Sergeants of Police. He shall have the sole and exclusive control, direction, and superintendence of the City Prisons of such city, or city and county, and may detail to duty therein such number of officers as the exigencies shall require. In the suppression of any riot, public tumult, disturbances of the public peace, or organized resistance against the laws, or public authorities, in the lawful exercise of their functions, he shall have all the powers that now are or may be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by all police officers, and every citizen shall also lend him aid, when required, for the arrest of offenders and the maintenance of public order. In case of great public emergency or danger, he may appoint an additional number of policemen of approved character for honesty and sobriety, who shall have the same powers as other police officers, but who shall act without pay. In case of imminent danger of riot, or actual riot, or organized resistance to the laws, he shall have power, and it shall be his duty if, in his opinion, the organized police force be insufficient in number or unequal in strength to preserve the peace and maintain public order, to make his requisition on the Governor, or in case of urgency, on the nearest military commander in the National Guard of California, for such military force as may be necessary for the occasion; and such military force shall be placed under his command until the restoration of order and tranquillity, or until the Governor declares such city, or city and county, in a state of insurrection, as provided by law. He shall keep a public office, which shall be open, and at which he, or in case of his necessary absence, a Captain of Police, or Sergeant of Police by him designated for that purpose, who shall have, during such absence, the same powers as are conferred by law upon the Chief of Police, shall

Chief of
Police, his
powers and
duties.

Chief of
Police, his
powers and
duties.

be in attendance at all hours of the day and night. In case of his absence from his office, it shall be made known to the Captain or Sergeant of Police in attendance where he can be found, if needed. He shall designate one or more police officers to attend constantly upon the Police Court to carry on the business, and to execute the orders and process of said Court. He shall command, supervise, and direct the police force; and shall observe, and cause to be observed and enforced, the laws and ordinances within such city, or city and county. He shall see that all lawful orders and process of the Police Court are promptly executed; and shall exercise such other powers connected with his office as may be prescribed by law, or by the rules and regulations adopted by the Board of Police Commissioners. He shall acquaint himself with all the statutes and laws in force in this State, defining public offenses and nuisances, and regulating the criminal proceedings; and shall procure and keep in his office the statutes of this State and of the United States and all elementary works on those subjects. He shall give information and advice touching said laws gratuitously to all police officers asking for it. He shall have power from time to time to dispose of such sum or sums for incidental expenses as in his judgment shall be for the best interest of such city, or city and county; *provided*, that the aggregate of all such sums shall not, in any one fiscal year, exceed the sum of seven thousand two hundred dollars; but all sums so disbursed or paid shall be subject to the approval of the said Board. He may, for good cause, grant leave of absence for not more than thirty days to any member of the police force; but officers absent from the city within or without the State on official business shall not be deemed to be absentees. As Chief of Police he shall hold office for the term of four years from his appointment, and shall receive a salary of four thousand dollars per annum, payable monthly, at the end of each and every month.

Captains of
Police, how
appointed.

Third—Six Captains of Police, who shall be appointed by the Board of Police Commissioners from the members of the police force, who shall be assigned to such duty, and who shall be subject to such rules and regulations as the Chief of Police shall prescribe. They shall receive a salary of two hundred dollars per month each, payable monthly, at the end of each and every month.

Police officers,
their qualifi-
cations,
powers, and
duties.

Fourth—As many police officers, not exceeding five hundred, as the Board of Police Commissioners may determine to be necessary, to be appointed by said Board; but it shall be the duty of said Board, on its first organization, to appoint as members of the police force the members of the police force, if any, then in service, unless such members be incompetent or incapable to serve. Every person applying for appointment to said police force, unless he be a member of the police force then existing in such city, or city and county, shall produce and file with the said Board a certificate, signed by not less than twelve freeholders and qualified voters of the smallest political subdivision of such city, or city and county, stating that they have been personally and well acquainted with the applicant for one year or more next

preceding the application, and that the applicant is of good repute for honesty and sobriety, and they believe him to be, in all respects, competent and fit for the office. All such certificates shall be preserved in the office of said Board, and shall not be returned to the applicant. Every appointee to said police force must be a citizen of the United States, and of this State, able to read and write the English language, and a resident of such city, or city and county, at least five years previous to his appointment, except such member of said police force as may be in service at the time of the organization of said Board; every appointee shall not be less than twenty-five nor more than forty years of age, and not less than five feet and seven inches in height, and shall, after his nomination, and before his appointment, pass a thorough examination by the Surgeon of Police, or by any physician appointed by said Board, and be found on such examination to be sound in health, and to possess the physical qualifications required for recruits for the United States army. The police officers, in subjection to the rules and regulations of the said Board, to the orders of the respective Captains, and under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels, and disturbances of the public peace, the execution of process from the Police Court in causing the abatement of public nuisances, and the enforcement of the laws and regulations of the police. They shall, as soon as practicable, upon an arrest, under penalty of dismissal from the force, or of a fine of not more than one hundred dollars, or of both, at the discretion of the Board, convey in person the offender before the nearest sitting magistrate. If the arrest is made during the hours that the magistrate does not regularly hold Court, or if the magistrate is not holding Court, such offender may be detained in a station house until the next public sitting of the magistrate, and no longer, unless discharged on bail, according to law. No member of the police force shall be eligible to any other office while a member of such force, nor shall he take any part whatever in any convention held for the purposes of a political party; nor shall he be a member of any political club; nor shall he be allowed to interfere with politics on the day of election, or at any time while employed on said force, except to cast his vote. No member of said police force, while on duty, shall enter into any liquor saloon, barroom, or place where liquors are retailed, except when necessary in the discharge of his duties, on penalty of reprimand, fine, suspension, or removal from office. No member of the police force shall devote his time to any other profession or calling, become bail for any person charged with any offense whatever, solicit counsel or attorneys for prisoners, receive any present or reward for official services rendered, or to be rendered, unless with the knowledge and approbation of a majority of said Board; such approbation to be given in writing and certified by the Clerk of said Board. Police officers who shall be selected to act as Sergeants of Police, and police officers who shall be selected to act as

Police officers, their qualifications, powers, and duties.

Salary.

detective police officers, shall each receive a salary of one hundred and twenty-five dollars per month, payable monthly, at the end of each and every month. The police officer who shall be selected to act as Clerk to the Chief of Police, and the police officer who shall be selected to act as Property Clerk, shall each receive a salary of one hundred and fifty dollars per month, payable monthly, at the end of each and every month. All other police officers shall each receive a salary of one hundred and two dollars per month, payable monthly, at the end of each and every month; *provided*, that the Treasurer of such city, or city and county, is hereby authorized to deduct and retain from the salary of each member of said police force, two dollars from every month's salary, to be paid into the fund of the Police Life and Health Insurance Fund herein mentioned.

Surgeon of Police and his duties.

Fifth—A Surgeon of Police, whose duty it shall be to attend to all cases of accident or sickness at the several police stations, to attend all officers who may be taken sick or injured in the discharge of their duty, to examine all applicants for appointment on the police force, and to perform such other duties as the Board of Police Commissioners may from time to time prescribe. He shall be appointed by the said Board, and shall hold office during its pleasure, but he shall not be removed without just cause. He shall receive a salary of two hundred dollars per month, payable monthly, at the end of each and every month.

Fire Commissioners, how appointed and term of office.

SEC. 141. There shall be a Board of Fire Commissioners of such city, or city and county, consisting of five persons, possessing the same qualifications of eligibility as are herein prescribed for the members of the Board of Aldermen, who shall be appointed by the Mayor, with the advice of the Board of Aldermen, and shall hold office for the term of four years from and after the time of their appointment, and no more than three of whom shall belong to the same national political party; *provided*, that the Fire Commissioners now acting as such in such city, or city and county, shall continue to hold their respective offices until the expiration of the term for which they may have been respectively elected or appointed.

Powers and duties of Fire Commissioners.

SEC. 142. The said Board of Fire Commissioners shall supervise and control said Fire Department, its officers, members, and employes, subject to the laws governing the same, and shall see that the officers, members, and employes thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either of them, or the Chief Engineer, or Assistant Chief Engineer, or Assistant Engineers of said Fire Department, be interested in any contracts pertaining in any manner to said Fire Department, or the sale, furnishing of apparatus or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section shall be deemed guilty of misdemeanor, and, upon conviction, shall be punished accordingly. The Municipal Council of such city, or city and county, shall have power to

contract and provide for all cisterns, hydrants, apparatus, horses, supplies, engine, hose, and hook and ladder houses, and all alterations and repairs required; and said Board of Fire Commissioners shall supervise all contracts awarded and work done for the said Fire Department, and shall see that all contracts awarded and work done are faithfully performed. The said Board of Fire Commissioners shall have power to prescribe the duties of the officers, members, and employés of said Fire Department, and to adopt rules and regulations for the management and discipline thereof; and a majority of them shall certify to the correctness of all claims and demands, before the same shall be paid. And the Municipal Council is authorized and required to provide and furnish for the use of the Board of Fire Commissioners a suitable room or rooms in some of the buildings of such city, or city and county, to serve as an office for their meetings and the transaction of business relating to said Fire Department, in which their Clerk, Janitor, and Messenger shall be in attendance daily during office hours. The Chief Engineer, Assistant Chief Engineer, and Assistant Engineer of said Department shall also make it their headquarters daily during office hours, when not otherwise engaged in official duties. And the said Municipal Council shall furnish the Chief Engineer, and also the Assistant Chief Engineer and Assistant Engineers hereinafter mentioned, with a horse and buggy, and shall provide for keeping the same.

SEC. 143. The officers of the Fire Department of such city, or city and county, shall be:

1. Five Fire Commissioners, to be appointed as aforesaid.
2. One Chief Engineer.
3. One Assistant Chief Engineer.
4. Four Assistant Engineers.
5. One Superintendent of Steam Fire Engines.

Officers of
Fire
Department.

SEC. 144. The members and employés of said Fire Department shall be:

1. One Assistant Superintendent of Steam Fire Engines.
2. One Clerk and Storekeeper for the Corporation Yard.
3. One Corporation Yard Drayman.
4. One Night Watchman of Corporation Yard.
5. Two Hydrantmen.
6. One Veterinary Surgeon.
7. One Foreman of each company.
8. One Engineer for each steam fire engine.
9. One Substitute Engineer and Machinist.
10. One Driver for each company.
11. One Fireman for each steam engine company.
12. One Carpenter.
13. One Tillerman for each hook and ladder company.
14. One Steward for each hose company.
15. One Janitor and Messenger.
16. One Clerk.

SEC. 145. All paid members of said Fire Department, except the Veterinary Surgeon, Foreman, Assistant Foreman, Company Clerks, Hosemen, Hook and Ladder men, and Stewards of Volunteer Companies, shall give their undivided

Paid mem-
bers of
Department
to give
entire time
to duties.

attention to their respective duties, but the Foreman, Assistant Foreman, Company Clerks, Hosemen, and Hook and Ladder men, and Stewards of Volunteer Companies, shall perform such duties as may be prescribed from time to time by said Board of Fire Commissioners and ordered to be executed by the Chief Engineer.

Certain officers, how appointed.

SEC. 146. The Chief Engineer, the Assistant Chief Engineer, the Superintendent of Steam Fire Engines, the Assistant Engineers, the Clerk, and all members and employes of the Fire Department, shall be appointed by the Fire Commissioners, and retain their positions during good behavior; and it shall be the duty of such Fire Commissioners, on their first organization under this Act, to appoint as members thereof the officers and members of any fire department which shall be in service in any such city, or city and county, at the time of its organization under this Act. No officer, member, or employe of said Fire Department shall be removed for political reasons.

Fire Department to consist of what.

SEC. 147. The Fire Department of such city, or city and county, shall consist of such engine, hook and ladder, and hose companies as shall be recommended by the Board of Fire Commissioners, and determined by the Municipal Council necessary to afford protection against fire; *provided*, that as an auxiliary thereto, patent fire extinguishers may also be purchased and employed, if, in the judgment of said Board, deemed advisable; *provided*, that no hand engine shall be purchased for the use of said department, but such as shall be in possession of such city, or city and county, prior to its organization under this Act, may be used in such localities and under such regulations as the Board of Fire Commissioners may prescribe. The companies of said department shall be organized as follows: Each steam fire engine company shall consist of (1) one Foreman, one (1) Engineer, one (1) Driver, one (1) Fireman, and eight (8) Hosemen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hook and ladder company shall consist of one (1) Foreman, one (1) Driver, one (1) Tiller, and twelve (12) Hook and Ladder men; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hose company shall consist of one (1) Foreman, one (1) Driver, one (1) Steward, and six (6) Hosemen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk.

Organization of companies.

Duties of Chief Engineer.

SEC. 148. The Chief Engineer shall be the executive officer of said Fire Department, and it shall be his duty (and that of the Assistant Chief Engineer and Assistant Engineers) to see that the laws, orders, rules, and regulations concerning the same are carried into effect, and also to attend to such duties as Fire Wardens as may be required, and to see that all laws, orders, and regulations established in such city, or city and county, to secure protection against fire, are enforced. It shall also be the duty of the Chief Engineer to enforce the rules and regulations made from time to time to secure discipline in said Fire Department, and he shall have power to suspend any subordinate officer, member, or employe for a violation of the same, and shall forthwith report in writing,

with his reasons therefor, to the Board of Fire Commissioners for their action. He shall diligently observe the condition of the apparatus and workings of said department, and shall report in writing, at least once in each week, to said Board of Fire Commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper; and in the absence or inability of the Chief Engineer to act, the Assistant Chief Engineer shall assume the duties of said office of Chief Engineer.

SEC. 149. The person elected as Clerk by said Board of Fire Commissioners shall, before entering upon the discharge of his duties, execute a bond, with two or more sureties, in the penal sum of twelve thousand (\$12,000) dollars, for the faithful discharge of his duties, which bond shall be approved by said Board of Fire Commissioners, and the Mayor of such city, or city and county, and when so approved, shall be filed in the office of the Auditor. The amount of said bond may be increased from time to time, when directed by the Board of Fire Commissioners, should it deem it necessary for the public good; said Clerk shall attend daily, during office hours, at the office of the Board of Fire Commissioners (which shall be the office of the Chief Engineer, Assistant Chief Engineer, and Assistant Engineers); shall perform the duties of Clerk to said Board and Chief Engineer, and shall perform such other duties from time to time as said Board may prescribe. The Clerk and Storekeeper for the Corporation Yard shall, before entering upon his duties, furnish a bond in the sum of ten thousand (\$10,000) dollars, to be approved in the same manner as the bond provided for in this section, to be given by the Clerk of said Board of Fire Commissioners, and filed with the Auditor.

Clerk of Board, his bond and duties.

Clerk and Storekeeper.

SEC. 150. The Mayor of such city, or city and county, upon the recommendation of the Board of Fire Commissioners, with the approval of the Municipal Council, is authorized to sell at private or public sale from time to time any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or parts of lots (or to exchange any of said lots, when in their judgment demanded by the public good), or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the county treasury, to the credit of the proper fund.

Property of Department, how sold.

SEC. 151. The Municipal Council of such city, or city and county, is hereby authorized and required to appropriate, allow, and order paid annually out of the General Fund of such city, or city and county, the salaries hereinafter specified and allowed, and salaries at similar rates to the several officers and men of any additional companies created as aforesaid, and the Municipal Council is required to appropriate, allow, and order paid, out of the General Fund, a sum not to exceed eighty thousand (\$80,000) dollars annually for running expenses, horse feed, repairs to apparatus, and for the construction and erection of cisterns and hydrants, and

Appropriation for purchase of horses, supplies, etc.

for the erection and repair of buildings, and other expenses of the Fire Department. To appropriate a sum not to exceed thirty thousand (\$30,000) dollars for the purchase of horses and apparatus for the Fire Department.

Allowance
to disabled
member.

SEC. 152. Whenever a member of the Paid Fire Department of such city, or city and county, shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the Municipal Council, upon the recommendation of the Board of Fire Commissioners, is hereby authorized and empowered to allow said disabled man a sum not exceeding fifty (\$50) dollars per month, for not to exceed three (3) months, payable out of the General Fund of such city, or city and county, in the same manner and form as other payments are made out of said fund.

"Fireman's
Charitable
Fund."

SEC. 153. The Municipal Council shall provide, by ordinance, for the payment into a "Fireman's Charitable Fund" of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gunpowder, blasting powder, gun cotton, fireworks, nitro-glycerine, duoline, or any explosive oils or compounds, or as a municipal tax upon the same; also, all fines collected in the Police Court for violations of fire ordinances. Said fund shall be under the direction and control of and subject to such regulations as may be prescribed by the Board of Fire Commissioners.

Assistant
Foreman
and Clerk.

SEC. 154. The Chief Engineer shall have power to appoint one member of each company to act as Assistant Foreman; also, one member to act as Clerk; said Clerk to receive five (\$5) dollars per month extra pay.

Organiza-
tion of
Board and
time of
meeting.

SEC. 155. The Fire Commissioners shall organize said Board immediately upon their appointment, and on the first Monday after the first day of January of each and every year thereafter, by selecting one of their number as President, and they shall meet at least once in each month publicly at their office, to transact the business of said Fire Department; and, in addition to the stated meetings, they shall meet twice in each month for the purpose of investigating charges against officers, members, and employes of said department for violating any of the rules and regulations thereof; and shall hold such intermediate sessions as they shall deem necessary to the proper administration of the Fire Department. No person shall be eligible to any position in said department who is not a citizen of the United States, or a resident of such city, or city and county, at least two years, nor under twenty-one (21) years of age at the time of his appointment.

Eligibility.

Investiga-
tions, how
conducted.

SEC. 156. In all investigations for violation of the rules and regulations of the Fire Department, the President of the Board of Fire Commissioners shall have power to issue subpoenas, and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be served by any police officer or by any peace officer of such city, or city and county. Any person who refuses to attend or testify in obedience to such subpoe-

nas, shall be deemed guilty of contempt, and be punished by him as in cases of contempt in Justices' Court in civil cases.

SEC. 157. No officer, member, or employé of the Fire Department shall be dismissed unless for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least five (5) days previous to the day of trial, and he shall have an opportunity to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public.

Members,
how
dismissed.

SEC. 158. The Municipal Council of such city and county is hereby authorized and empowered to establish and maintain at the Corporation Yard a workshop for making repairs and improvements upon the apparatus of the Fire Department, and such workshop and such repairs and improvements to be under the supervision of the Board of Fire Commissioners, and the Municipal Council shall allow and order paid, out of the proper fund, all the expenses of such workshops, repairs, and improvements.

Workshop at
Corporation
Yard.

SEC. 159. No member of said Board of Fire Commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office, nor shall the officers, members, or employés of said Fire Department take any part whatever in any partisan convention, held for the purposes of a political party; nor shall any member of the said Board of Fire Commissioners, directly or indirectly, attempt to control or influence the action of any member of said Fire Department, or any employé thereof, in any primary or general election. No member of the Fire Department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. Any violation of the foregoing provisions of this section shall be deemed a misdemeanor.

Restrictions
on members.

SEC. 160. The salaries of the officers of the Fire Department shall be paid in monthly installments, and as follows:

Salaries of
officers of
Fire Depart-
ment.

1. The salary of the Fire Commissioners shall be one thousand two hundred dollars per annum.
2. The salary of the Chief Engineer shall be four thousand dollars per annum.
3. The salary of the Assistant Chief Engineer shall be two thousand four hundred dollars per annum.
4. The salaries of the Assistant Engineers shall each be one thousand eight hundred dollars per annum.
5. The salary of the Superintendent of Steam Fire Engines shall be twenty-four hundred dollars per annum.

SEC. 161. The salaries of the members and employés of the Fire Department shall be paid in monthly installments, and as follows:

1. The salary of Assistant Superintendent of Steam Fire Engines shall be one thousand six hundred and eighty dollars per annum.
2. The salary of the Clerk and Storekeeper for the Corporation Yard shall be one thousand five hundred dollars per annum.
3. The salary of the Corporation Yard Drayman shall be one thousand and eighty dollars per annum.

Salaries of
officers of
Fire Department.

4. The salary of the Night Watchman for the Corporation Yard shall be nine hundred dollars per annum.

5. The salary of the two Hydrantmen shall be one thousand and eighty dollars per annum each.

6. The salary of the Veterinary Surgeon shall be twelve hundred dollars per annum.

7. The salary of the Foreman of each company shall be five hundred and forty dollars per annum.

8. The salary of the Engineer for each Steam Fire Engine Company shall be one thousand six hundred and eighty dollars per annum.

9. The salary of the Substitute Engineer and Machinist shall be one thousand six hundred and eighty dollars per annum.

10. The salary of the Driver for each company shall be one thousand and eighty dollars per annum.

11. The salary of the Fireman for each Steam Fire Company shall be one thousand and eighty dollars per annum.

12. The salary of the Carpenter for said department shall be one thousand two hundred dollars per annum.

13. The salary of the Tillerman for each Hook and Ladder Company shall be one thousand and eighty dollars per annum.

14. The salary of the Steward for each Hose Company shall be nine hundred and sixty dollars per annum.

15. The salary of each Hoseman and each Hook and Ladder man shall be four hundred and eighty dollars per annum.

16. The salary of the Janitor and Messenger shall be twelve hundred dollars per annum.

17. The salary of the Clerk of the Board of Fire Commissioners shall be one thousand eight hundred dollars per annum.

Fire Alarm
and Police
Telegraph.

SEC. 162. There shall be maintained and provided for by the Municipal Council in such city, or city and county, a Fire Alarm and Police Telegraph for municipal use, and the Superintendent thereof shall be appointed by the Board of Fire Commissioners, to serve during its pleasure, except that he shall not be removed for political causes, reasons, or purposes. Said Superintendent is authorized to appoint the following officers and employes: One Chief Operator, three Operators, one Repairer, two Assistant Repairers, and one Batteryman. It shall be the duty of such Board, on their first organization under this Act, to appoint as officers and employes thereof, the officers and employes of any Fire Alarm and Police Telegraph which shall be in service in such city, or city and county, at the time of its organization under this Act.

Salaries of
officers of
Fire Alarm,
etc.

SEC. 163. The salaries of the officers of said Fire Alarm and Police Telegraph shall be paid in monthly installments, and as follows:

1. The salary of the Superintendent shall be two thousand four hundred dollars per annum.

2. The salary of the Chief Operator shall be one thousand eight hundred dollars per annum.

3. The salary of each of the three Operators herein pro-

vided for shall be one thousand five hundred dollars per annum.

4. The salary of the Repairer shall be one thousand two hundred dollars per annum.

5. The salary of each of the two Assistant Repairers herein provided for shall be one thousand and eighty dollars per annum.

6. The salary of the Batteryman shall be nine hundred dollars per annum.

SEC. 164. The Municipal Council shall appropriate such sum as may be necessary, not exceeding fifteen thousand dollars per annum, for the maintenance, repair, and extension of said telegraph, and to defray the cost of instruments and machinery therefor, and for such horses and vehicles as may be necessary for the use of said Superintendent.

Appropriation.

SEC. 165. There shall be a Board of Health for such city, or city and county, which Board shall consist of the Mayor of the city and county, and five physicians in good standing, residing in such city, or city and county, who shall be appointed by the Governor, and who shall hold office for the term of four years, and until their successors are appointed and qualified; and in case any vacancy shall at any time occur in said Board by removal, or resignation, or otherwise, the same shall be filled by appointment by the Governor.

Board of Health, how constituted.

SEC. 166. The Mayor of such city, or city and county, shall be ex officio President of the Board of Health, and in his absence, at any meeting, the Board may elect a Chairman, who shall, for the time, be clothed with all the power of the President. Said Board shall hold a regular meeting at least once in each month, and at other times, when called thereto by the President, or by a majority of the Board.

Meetings.

SEC. 167. Said Board of Health is hereby invested with general jurisdiction over all matters appertaining to the sanitary condition of such city, or city and county, and over all quarantine regulations and the enforcement thereof, and hospitals and almshouses, and all municipal institutions created and maintained for charitable purposes and not herein enumerated, within the corporate limits of such city, or city and county, and adopt such orders and regulations as may be necessary to the complete exercise of the powers hereinbefore enumerated, and may appoint or discharge such attendants and employes as may seem best to promote the public welfare.

Jurisdiction of Board of Health.

SEC. 168. The members of said Board of Health shall receive no salary.

Salary.

SEC. 169. Said Board of Health shall have power to appoint the following officers and employes, who shall receive the salaries hereinafter provided, payable in monthly installments at the end of each month, viz.:

Salaries of officers appointed by Board of Health.

1. One Health Officer, who shall be the executive officer of said Board, at a salary of twenty-four hundred dollars per annum.

2. One Quarantine Officer, at a salary of eighteen hundred dollars per annum.

Salaries of
officers
appointed by
Board of
Health.

3. One Secretary, at a salary of twenty-four hundred dollars per annum.

4. Six Health Inspectors and one Market Inspector, at a salary of twelve hundred dollars per annum each; one Messenger, at nine hundred dollars per annum.

5. One Superintendent of the City, or City and County, Hospital, who shall be a physician and graduate of some medical college in good standing, at a salary of twenty-four hundred dollars per annum.

6. One Resident Hospital Physician, at a salary of fifteen hundred dollars per annum.

7. One Hospital Steward, at a salary of twelve hundred dollars per annum.

8. One Hospital Matron, at a salary of nine hundred dollars per annum.

9. One Hospital Apothecary, at a salary of twelve hundred dollars per annum.

10. One Hospital Engineer, at a salary of nine hundred dollars per annum.

11. Two physicians and two surgeons, to be selected from the Faculty of the Medical Department of the University of California, and two physicians and two surgeons, to be selected from the Faculty of the Pacific Medical College, at such salary as the Board of Health may designate, not to exceed twelve hundred dollars each per annum, as visiting physicians and surgeons to the City, or City and County, Hospital.

12. One Almshouse Superintendent, at a salary of two thousand four hundred dollars per annum.

13. One Resident Almshouse Physician, at a salary of fifteen hundred dollars per annum.

14. One Almshouse Matron, at a salary of seven hundred and twenty dollars per annum.

15. One City Physician, at a salary not to exceed eighteen hundred dollars per annum.

16. One Assistant City Physician for the Industrial School and House of Correction, at a salary of twelve hundred dollars per annum.

17. One First Cook, at a salary of sixty dollars per month.

18. One Second Cook, at a salary of thirty-five dollars per month.

19. One Third Cook, at a salary of thirty dollars per month.

20. One Baker, at a salary of seventy-five dollars per month.

21. One Clerk, at a salary of forty dollars per month.

22. One Interpreter, at a salary of forty dollars per month.

23. One Ambulance Driver, at a salary of forty dollars per month.

24. Sixteen Nurses, at a salary of thirty-five dollars each.

Appointing
power.

SEC. 170. The appointing power of all and every of the aforesaid officers and employes is vested solely in said Board of Health, and said Board shall have power to prescribe the duties of every and all of said officers and employes, and to remove the same at pleasure; and said Board of Health is hereby empowered to employ such additional

employés as may be necessary to carry out the purposes of this Act, at such compensations as said Board of Health may fix.

SEC. 171. The salaries of the officers and employés of said Board of Health, and all other expenses legally incurred by said Board under the provisions of this chapter, shall be payable out of the General Fund of the treasury of such city, or city and county; and the Auditor of such city, or city and county, is hereby directed to audit all such demands, and the Treasurer of such city, or city and county, is hereby directed to pay the same out of said General Fund. The said Board of Health shall, annually, upon the third Monday of April of each year, transmit, in writing, to the Municipal Council of such city, or city and county, an estimate of the amount of money necessary to defray all of the expenditures of said Board of Health for the next fiscal year; and the Board of Health shall not expend, in any one fiscal year, an amount exceeding the amount of such estimate so transmitted by said Board of Health for such fiscal year, allowed upon such estimate by the Municipal Council, except in case of an epidemic of any contagious disease, when such Board of Health is hereby authorized to increase such expense as may be deemed necessary for the public safety; and all such expenses shall be payable out of the General Fund of such city, or city and county, at the same time and in the same manner provided for other expenses of said Board. Nothing in this Act shall be construed to authorize said Board of Health to contract for or purchase supplies for any of the charitable institutions placed under its control by this chapter. All contracts for any of the work authorized by this chapter to be caused to be performed by said Board of Health shall be awarded by said Board to the lowest responsible bidder, after notice, for not less than five days, in two daily newspapers published in such city, or city and county, under such regulations and requirements as said Board of Health may adopt.

Salaries,
how paid.

Estimate.

Contracts.

SEC. 172. It shall not be lawful for any Superintendent or other principal officer in charge of any almshouse in such city, or city and county, to have or receive any perquisites, or to derive any income or revenue therefrom, either directly or indirectly, other than the salary allowed to him by the Board of Health; nor shall it be allowable for any subordinate officer or employé to have or receive any perquisite, either directly or indirectly; and it shall be the duty of the Board of Health to remove any such Superintendent, or other principal officer, or any subordinate officer, or employé, who violates any provision of this section. All fees authorized by any of the provisions of this chapter, to be collected by any officer or employé of the Board of Health, shall be immediately paid by such officer or employé to the Secretary of said Board of Health, who shall, upon the first Monday of each month, pay the same into the treasury of such city, or city and county, to be credited to the proper fund.

Restrictions
on officers.

Fees, to
whom paid.

SEC. 173. Shipmasters bringing vessels into the harbor of any such city, or city and county, and all masters, owners, or

Report of
shipmasters
of conta-
gious
disease.

consignees having vessels in such harbor, which have on board any cases of Asiatic cholera, smallpox, yellow, typhus, ship fever, or any other contagious disease, must report the same, in writing, to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they, or either of them, become aware of the existence of either of these diseases on board of their vessels.

Restrictions
on shipmas-
ters, etc.

SEC. 174. No captain or other officer in command of any vessel sailing under a register, arriving at the port of any such city, or city and county, nor any owner, consignee, agent, or other person having charge of such vessel, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any freight, passengers, or other persons from such vessels, until he has reported to the Quarantine Officer, presented his bill of health, and received a permit from that officer to land freight, passengers, and other persons.

Duty of
pilot.

SEC. 175. Every pilot who conducts into the port of any such city, or city and county, any vessel subject to quarantine, or examination by the Quarantine Officer, must:

1. Bring the vessel no nearer such city, or city and county, than is allowed by law.

2. Prevent any person from leaving such vessel, and any communication being made with the vessel under his charge, until the Quarantine Officer has boarded her and given the necessary orders and directions.

3. Be vigilant in preventing any violation of the quarantine laws, and report, without delay, all such violations that come to his knowledge, to the Quarantine Officer.

4. Present the master of the vessel with a printed copy of the quarantine laws, unless he has one.

5. If the vessel is subject to quarantine, by reason of infection, place at the masthead a small yellow flag.

Duty of
master of
vessel.

SEC. 176. Every master of a vessel subject to quarantine, or visitation by the Quarantine Officer, arriving in the port of any such city, or city and county, who refuses or neglects either:

1. To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do; or,

2. To submit his vessel, cargo, and passengers to the Quarantine Officers, their inspection, examination, and direction, and furnish all necessary information to enable that officer to determine to what quarantine or other regulations they might respectively be subject; or,

3. To report all cases of disease and of death occurring on his vessel, and to comply with all the sanitary regulations of such port or harbor;

Is liable in the sum of five hundred dollars for every such neglect or refusal.

Master of
infected ves-
sel must
report.

SEC. 177. All vessels arriving off the port of any such city, or city and county, from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing, at the time of their departure, any contagious, infectious, or pestilential diseases, or vessels with

decaying cargoes, or which have usually foul or offensive holds, are subject to quarantine, and must be by the master, owner, pilot, or consignee, reported to the Quarantine Officer without delay. No such vessel must pass within the bounds prohibited them by the Board of Health, until the Quarantine Officer has boarded her and given the order required by law.

SEC. 178. The Quarantine Officer must board every vessel subject to quarantine or visitation by him, immediately on her arrival, make such examinations and inspection of vessels, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine, and if so, the period of quarantine. Duty of Quarantine Officer.

SEC. 179. No captain, or other officer, in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden having passengers on board, nor any consignee, owner, agent, or other persons having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any passenger from the vessel, until he has presented his bill of health to the Quarantine Officer and received a permit from that officer to land such passengers, except in such cases as the Quarantine Officer deems it safe to give the permit before seeing the bill of health. Masters of certain vessels not to permit landing until he receives permit.

SEC. 180. The following fees shall be collected by the Quarantine Officer for giving a permit to land freight or passengers, or both: From any sailing vessel of less than five hundred tons burden, from any port out of this State, two dollars and fifty cents; five hundred and under one thousand tons burden, five dollars; each additional one thousand tons burden, or fraction thereof, an additional two dollars and fifty cents; for steam vessels, propelled in whole or in part by steam, of one thousand tons burden or less, five dollars, and two dollars and fifty cents additional for each additional one thousand tons burden or fraction thereof. But vessels not propelled in whole or in part by steam, sailing to and from any port or ports of the Pacific States, of the United States or Territories, and whaling vessels entering the harbor of any such city and county, are excepted from the provisions of this section. Fees.

SEC. 181. The Board of Health may enforce compulsory vaccination on passengers or variola-infected ships, or coming from ports infected with the same. Duty of Board of Health.

SEC. 182. The Board of Health shall establish quarantine grounds at such points and places as in its judgment may best conduce to public safety; may provide suitable hospitals whenever the same are required for the public safety, and furnish and supply the same with nurses and attachés, and remove thereto all persons afflicted with cholera, small-pox, yellow, typhus, ship fever, or other contagious diseases; *provided*, said quarantine grounds and hospitals shall not be Same.

established within one mile of the main land on the north side of the Bay of San Francisco.

Duty of
Board of
Health.

SEC. 183. The Board of Health must cause to be kept a record of all births, deaths, and interments occurring in such city, or city and county, coming under the provisions of this chapter. Such records, when filed, must be deposited in the office of the City, or City and County, Recorder, and produced when required for public inspection.

Duty of
physicians
and mid-
wives.

SEC. 184. Physicians and midwives must, on or before the fourth day of each month, make a return to the Health Officer of all births, deaths, and the number of stillborn children occurring in their practice during the preceding month. In the absence of such attendants, the parents must make such report within thirty days after the birth of the child. Such returns must be made in accordance with rules adopted by, and upon blanks furnished by, the Board of Health.

Human
bodies not to
be buried
without per-
mit.

SEC. 185. No person shall deposit in any cemetery, or inter in any such city, or city and county, any human body, without first having obtained and filed with the Health Officer a certificate, signed by a physician or midwife, or Coroner, setting forth as near as possible the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of deceased, and obtain from such Health Officer a permit. The physicians, when death occurs in their practice, must give the certificate herein mentioned. It shall be the duty of the said Board of Health to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time it shall cause the body to be buried, or to be placed in a vault or niche, constituted of brick, stone, or iron, and hermetically sealed. It shall also be the duty of said Boards to require all persons having in charge the digging of graves, and the burial of the dead, to see that the body of no human being who has reached ten years of age shall be interred in a grave less than six feet deep, or if under the age of ten years, the grave to be not less than five feet deep. The Board of Health shall have entire charge of all cemeteries belonging to such city, or city and county, and may employ a Superintendent thereof, at a salary not to exceed seventy-five dollars per month, the same to be paid out of the General Fund as the salaries of the other employés are paid.

Duty of
Superin-
tendent of
cemeteries.

SEC. 186. Superintendents of all cemeteries in any such city, or city and county, must return to the Health Officer, on each Monday, the names of all persons interred or deposited within their respective cemeteries during the preceding week, and no Superintendent of a cemetery, or any other person, can remove, or cause to be removed, or cause to be disinterred, any human body or remains that have been deposited in a cemetery, without a permit therefor from the Health Officer, or by order of the Coroner.

SEC. 187. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of such city, or city and county, the body or remains of any deceased

person, unless a permit for so doing shall have first been obtained from the Health Officer of such city, or city and county. Nor shall any body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be transported in or through the streets or highways of any such city, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain from the Health Officer a permit, in writing, therefor, as aforesaid. But when an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of such city, or city and county, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove, and said permit shall accompany the remains.

Human body not to be disinterred without permit.

SEC. 188. Permits to disinter or exhume the bodies or remains of deceased persons and to transport the same, or to exhume, or to transport, as in the last section provided, may be granted, in the discretion of the Health Officer, and under such restrictions and conditions only as he, in his judgment, may affix, so as in the best possible manner to protect the public health. The Health Officer shall prepare a book of blank permits in proper form, and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, date of death, destination of remains sought to be removed, and upon granting each permit shall be required to be paid to him the sum of ten dollars therefor, for the use and benefit of the General Fund of such city, or city and county.

Discretion of Health Officer.

SEC. 189. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed from a grave, vault, or other receptacle or burial place, the remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor, and be punished by fine not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty of disintering without permit.

SEC. 190. Any person or persons who shall transport, or cause to be transported, on or through the streets or highways of any such city, or city and county, the body or remains of a deceased person which has been disinterred or exhumed without a permit therefor, in accordance with this chapter, shall be guilty of a misdemeanor, and be punished as provided in the preceding section.

Penalty for transporting body without permit.

SEC. 191. Nothing in this chapter contained shall be taken to apply to the removal of the remains of the deceased person from one place of interment to another place of interment, or cemetery, within this State.

Exception.

SEC. 192. No person, master, captain, or conductor in charge of any boat, vessel, or railroad car, or public or private conveyance, shall receive for transportation, or shall transport the body of any person who has died within the limits of such city, or city and county, without said body is accompanied by a permit for such transportation from the

Penalties.

Health Officer, which permit shall accompany the body to its destination; and no person, master, captain, or conductor, as aforesaid, shall bring into or transport through any such city, or city and county, the dead body or remains of any person unless it be accompanied with a certificate from some proper authority of the place from whence it came, stating the name, age, sex, and cause of death, which certificate shall be filed at the Health Office; *provided*, that in no case shall the body of any person who died of contagious disease be brought to such city, or city and county, within one year after the day of death.

Nuisances,
how abated.

SEC. 193. Whenever a nuisance shall exist on the property of any non-resident, or any property, the owner or owners of which cannot be found by either Health Inspector, after diligent search, or on the property of any owner or owners upon whom due notice may have been served, and who shall, for three days, refuse or neglect to abate the same, or any property belonging to such city, or city and county, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed or abated, and to draw upon the General Fund in such sums as may be required for such removal or abatement, not to exceed two hundred dollars; *provided*, that whenever a larger expenditure is found necessary to be made in the removal or suppression of any nuisance, the Municipal Council of such city, or city and county, shall, upon the written application of the Board of Health, by ordinance, appropriate, allow, and order paid, out of the General Fund, such sum or sums as may be necessary for that purpose; *provided further*, that in all cases where such expenditure will exceed five hundred dollars, no appropriation shall be made for that purpose unless the City, or City and County, Attorney shall first give his opinion, in writing, that such expenditure would be a legal charge against the property affected thereby. And the Auditor shall audit and the Treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury.

Fee book
open to pub-
lic inspec-
tion.

SEC. 194. The Health Officer and the Quarantine Officer must each keep a book open to public inspection, in which must be entered daily all fees collected by them, and they must pay all fees collected to such City, or City and County, Treasurer, daily, to the credit of the General Fund.

Bond of
Health
Officer.

SEC. 195. The Health Officer must execute an official bond, with two sureties, to be approved by the Board of Health, in the sum of ten thousand dollars; and the Quarantine Officer must execute a like official bond, with two sureties, in the sum of ten thousand dollars; which bonds shall be filed with the Auditor of such city, or city and county.

Who may
administer
oaths.

SEC. 196. Any member of the Board of Health, the Health Officer, and the Quarantine Officer, and the Secretary of the Board of Health, is hereby authorized to administer oaths on business connected with the Health Department.

Suits, where
maintained.

SEC. 197. Whenever any cause of action arises under any of the provisions of this chapter relating to the Health

Department, suit may be maintained thereon in the name of the Health or Quarantine Officer, as the case may be, in any Superior Court or Justice's Court of this State.

SEC. 198. Every physician in any such city, or city and county, shall report to the Health Officer, in writing, every patient he shall have laboring under Asiatic cholera, variola, diphtheria, scarlatina, or other contagious diseases, immediately thereafter, and report to the same officer every case of death from such disease. Duty of physicians in certain cases.

SEC. 199. Every householder in any such city, or city and county, shall forthwith report, in writing, to the Health Officer, the name of every person boarding, or an inmate of his or her house, whom he or she shall have reason to believe sick of cholera, or smallpox, and any deaths occurring at his or her house from such disease. Duty of householder in certain cases.

SEC. 200. There shall be a Board of Park Commissioners of such city, or city and county, consisting of three persons, to be appointed by the Governor of this State, who shall hold their office for four years, and who shall receive no compensation for their services. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office, or neglect, or incapacity, shall be filled by the Governor aforesaid. Each of said Commissioners shall be a freeholder and resident of such city, or city and county. Said Board shall have full and exclusive control and management of all the parks of such city, or city and county, which at the time of the organization of such city, or city and county, under this Act, were treated and improved as public parks, with the avenues and great highways connected therewith. Two of said Commissioners shall constitute a quorum to do business, but no money shall be expended or contract entered into authorizing the expenditure of money, without the approval of the Mayor and a majority of said Board of Park Commissioners. Park Commissioners, how appointed and their duties.

SEC. 201. Said Board shall have power to govern, manage, and direct said parks and avenues leading thereto as have heretofore been operated or managed in connection therewith; to lay out, regulate, and improve such parks and avenues; to pass ordinances for the regulation and government of the same; to appoint one general superintendent, who shall perform the duties of overseer and managing gardener, who shall receive a salary of two thousand four hundred dollars per annum. The City, or City and County, Surveyor shall be ex officio engineer of the works, and shall perform such engineering work as the Commissioners may require of him. Prisoners over the age of twenty-one years, sentenced to hard labor in any of the jails, prisons, houses of correction, workhouses, or other penal establishments of such city, or city and county, may be put to work upon the parks. The Commissioners may employ such other laborers as shall be necessary, within the amount allowed by law to be expended on said parks, at wages not to exceed the current wages paid in such city, or city and county, for labor. They shall in no year incur any debt or deficit, nor expend any Powers.

money beyond the amount realized by the tax herein provided for. All persons violating any of the ordinances of the Commissioners regulating the parks, shall be deemed guilty of misdemeanor, and punished accordingly.

Taxes for park improvement, how levied.

SEC. 202. The Municipal Council shall have the power to levy and collect, in the mode prescribed by law for the levy and collection of taxes, each year, upon all property in such city, or city and county, the sum of one and one half cents upon each one hundred dollars valuation of taxable property therein, for the purpose of preserving and improving the parks and avenues under control and management of said Commissioners. Said money shall be paid into the treasury, and paid out for said purpose; all claims to be first allowed by said Commissioners and audited by the Auditor. The jurisdiction of the Park Commissioners shall not extend to unimproved parks, nor squares, and places not hitherto treated as parks, unless extended thereto by an ordinance of the Municipal Council. The Commissioners may lease, for terms not to exceed three years, any portion of said grounds not immediately required for improvement, the proceeds to go to the improvement of the parks and avenues.

Reports of Park Commissioners.

SEC. 203. The Park Commissioners shall make semi-annual reports to the Mayor and Municipal Council of all their proceedings, and a detailed statement of all the receipts and expenditures.

Duties of Mayor and other officers in reference to contracts.

SEC. 204. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements. And it is the duty of any and every city, or city and county, officer, when it shall come to his knowledge that any contract with such city, or city and county, relating to the business of any office whatever, has been or is about to be violated by the other contracting party, forthwith to report the fact to the Mayor. A failure to do so shall be a sufficient cause for the removal of any officer of any department. The Mayor shall give a certificate, on demand, to any officer giving such information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty. The City, or City and County, Attorney shall prosecute all suits so ordered by the Mayor.

ARTICLE V.

JUDICIAL DEPARTMENT.

Number and jurisdiction of Justices.

SEC. 213. There shall be in and for such city, or city and county, one Justices' Court, composed of six Justices of the Peace, which shall have the powers and jurisdiction prescribed and conferred by law upon Justices of the Peace and Justices' Courts in such city, or city and county. All actions, suits, and proceedings whereof Justices of the Peace and Justices' Courts in such city, or city and county, have jurisdiction, shall be commenced, entitled, and prosecuted in said Court. Such Court shall be always open, non-judicial days excepted, and causes therein may be tried before the pre-

siding Justice, before any one of the Justices before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial.

SEC. 214. The Board of Aldermen shall appoint one of the Justices of the Peace to be presiding Justice, who, as such, shall hold office until his successor shall in the same manner be appointed; and any one of the other Justices may attend, preside, and act as presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Aldermen, within ten days after its organization as such Board, shall appoint a Justices' Clerk, who shall hold office during the pleasure of the appointing power. The Clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bond of other officers of such city, or city and county, in the sum of not less than fifteen thousand dollars, payable to the city, or city and county, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the treasury of such city, or city and county, as required by law, all moneys by him collected or received, and by law designated for that use. A new or additional bond may be required by the Municipal Council whenever it deems it necessary; and on failure to furnish such new or additional bond within five days after it shall be required, the office shall become vacant. The Justices' Clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit, or proceeding in all Courts in such city, or city and county, and to appoint two Deputy Clerks, for whose acts he shall be responsible on his official bond; the said Deputy Clerks to hold office during the pleasure of said Clerk. Said Deputy Clerks shall have the same power as the said Clerk, except that of appointment.

Presiding Justice.

Justices' Clerk.

New bond.

Authority of Clerk.

SEC. 215. The Municipal Council of such city, or city and county, shall provide, in some convenient locality in the city, or city and county, a suitable office, or suite of offices, for said presiding Justice, Justices' Clerk, Deputy Clerk, and Deputy Sheriff, and offices suitable for holding sessions of said Court, and separate from one another, for each of said Justices of the Peace, together with attendants, furniture, fuel, lights, and stationery, sufficient for the transaction of business; and if they are not provided, the Court may direct the Sheriff to provide the same, and the expenses incurred, certified by the Justices to be correct, shall be a charge against the city, or city and county, treasury, and paid out of the General Fund thereof. The said Justices, Justices' Clerk, and Deputy Clerk, shall be in attendance at their respective offices for the dispatch of official business daily, from the hour of nine o'clock A. M. until five o'clock P. M.

Offices for Justices, and office hours.

SEC. 216. All legal process of every kind in actions, suits, or proceedings in said Justices' Court, for the issue or service of which any fee is or may be allowed by law, shall be issued by the said Justices' Clerk, upon the order of the presiding Justice, or upon the order of one of the Justices of the Peace, acting as presiding Justice, as in this chapter

Legal process, how issued.

Fees.

provided; and the fees for issuance and service of all such process, and all other fees which are allowed by law for any official services of Justices, Justices' Clerk, or Sheriff, shall be exacted and paid in advance into the hands of said Clerk, and be by him daily, weekly, or monthly, as the Municipal Council may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of such city, or city and county, as part of the Special Fee Fund thereof; *provided*, that such payment in advance shall not be exacted from parties who may prove, to the satisfaction of the presiding Justice, that they have good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees; and no judgment shall be rendered in any action before said Justices' Court, or any of said Justices, until the fees allowed therefor, and all fees for previous services therein, which are destined to be paid into the treasury, shall have been paid, except in cases of poor persons, as hereinbefore provided.

Sheriff and
deputies for
Justices'
Courts.

SEC. 217. The Sheriff of such city and county shall be ex officio an officer of said Court, and it shall be his duty to serve or execute, or cause to be served and executed, each and every process, writ, or order that may be issued by said Justices' Court; *provided*, that a summons issued from said Court may be served and returned as provided in section eight hundred and forty-nine of the Code of Civil Procedure; and that subpoenas may be issued by the Justices' Clerk, and served as provided in sections nineteen hundred and eighty-seven and nineteen hundred and eighty-eight of the Code of Civil Procedure. The said Sheriff may appoint, in addition to the other deputies allowed by law, three deputies, whose duty it shall be to assist said Sheriff in serving and executing the process, writs, and orders of the said Justices' Court. Said deputies shall receive a salary of not to exceed one hundred and twenty-five dollars per month each, payable monthly, out of the city and county treasury, and out of the Special Fee Fund, after being first allowed and audited as other demands are by law required to be audited and allowed. One of said deputies shall remain in attendance during the sessions of said Court, and at such other times as the said Court or the presiding Justice thereof may order and direct, for the purpose of attending to such duties as may be imposed on said Sheriff or said deputies, as herein provided or required by law. The said Sheriff shall be liable on his official bond for the faithful performance of all duties required of him or any of his said deputies.

Style of
action.

SEC. 218. All actions, suits, and proceedings in such city, or city and county, whereof Justices of the Peace or Justices' Courts have jurisdiction, except those cases of concurrent jurisdiction that may be commenced in some other Court, shall be entitled: "In the Justices' Court of the City of — (or the City and County of —)," (inserting the name of the city, or city and county), and commenced and prosecuted in said Justices' Court, which shall be always open. The original process shall be returnable, and the parties summoned required to appear before the presiding Justice, or

before one of the other Justices of the Peace, to be designated by the presiding Justice, at his office; but all complaints, answers, and other pleadings and papers required to be filed, shall be filed, and a record of all such actions, suits, and proceedings made and kept in the Clerk's office aforesaid; and the presiding Justice, and each of the other Justices, shall have power, jurisdiction, and authority to hear, try, and determine any action, suit, or proceeding so commenced, and which shall have been made returnable before him, or may be assigned or transferred to him, or any motion, application, or issue therein (subject to the constitutional right of trial by jury), and to make any necessary and proper orders therein.

Jurisdiction.

SEC. 219. In case of sickness, or disability, or absence of a Justice of the Peace (on the return of a summons, or at the time appointed for trial), to whom a cause has been assigned, the presiding Justice shall reassign the cause to some other Justice, who shall proceed with the trial and disposition of said cause in the same manner as if originally assigned to him; and if, at any time before the trial of a cause or matter returnable or pending before any of said Justices, either party shall object to having the cause or matter tried before said Justice on the ground that such Justice is a material witness for either party, or on the ground of the interest, prejudice, or bias of such Justice, and such objection be made to appear in the manner prescribed by section eight hundred and thirty-three of the Code of Civil Procedure, the said Justice shall suspend proceedings, and the presiding Justice, on motion and production before him of the affidavit and proofs, shall order the transfer of the cause or matter for trial before some other Justice, to be designated by him. The presiding Justice may, in like manner, assign or transfer any contested motion, application, or issue in law, arising in any cause returnable or pending before him or any other Justice, to some other Justice, and the said Justice to whom any cause, matter, motion, application, or issue shall be so as aforesaid assigned or transferred, shall have power, jurisdiction, and authority to hear, try, and determine the same accordingly.

In case of disability of Justice, case to be tried before another Justice.

SEC. 220. Cases which, by the provisions of law, are required to be certified to the Superior Court, by reason of involving the question of title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, shall be so certified by the presiding Justice and Justices' Clerk; and for that purpose, if such question shall arise on the trial while the case is pending before one of the other Justices, such Justice shall certify the same to the presiding Justice. All abstracts and transcripts of judgments and proceedings in said Court, or in any of the dockets or registers of or deposited in said Court, shall be given and certified from any of such dockets or registers, and signed by the presiding Justice and Clerk, and shall have the same force and effect as abstracts and transcripts of Justices of the Peace in other cases. Appeals from judgments rendered in said Court shall be taken and perfected in the manner

Certain cases to be certified to Superior Court by Presiding Justice, and Justices' Clerk.

Appeals.

prescribed by law, and the notice of appeal and all papers required to be filed to perfect it, shall be filed with the Justices' Clerk. Statements on appeal shall be settled by the Justice who tried the cause. Sureties on appeal, or on any bond or undertaking given in any cause or proceeding in said Court, when required to justify, may justify before any one of the Justices.

Statements and sureties.

Jurisdiction. SEC. 221. The jurisdiction of the Justices' Court of such city, or city and county, extends to the limits of the city, or city and county, and its process may be served in any part thereof.

Powers of Associate Justices. SEC. 222. The presiding Justice, whenever in his judgment the prompt dispatch of business shall demand it, may require the aid of one of the Justices of the Peace in the discharge either of his own duties or those of the Justices' Clerk (the collection of fees, accounting for, and paying the same into the treasury excepted), and each of the Justices, when so required, shall, for the purpose, have the same power and authority as the presiding Justice or Clerk in whose aid he shall act; and any one of the Justices, when required as aforesaid, may act as a Justices' Clerk pro tempore during the temporary absence or disability of such Clerk, with the same powers, duties, and responsibilities.

"Justices' Docket." SEC. 223. In a suitable book, strongly bound, the Justices' Clerk shall keep a permanent record of all actions, proceedings, and judgments commenced, had, or rendered in said Justices' Court, which book shall be a public record, and be known as the "Justices' Docket," in which docket the Clerk shall make the same entries as are provided for in section nine hundred and eleven of the Code of Civil Procedure, and which said docket and entries therein shall have the same force and effect as is provided by law in reference to dockets of Justices of the Peace. To enable the Clerk to make up such docket, each of the Justices shall keep minutes of his proceedings in every cause returnable before, or assigned, or transferred to him for trial or hearing; and upon judgment, or other disposition of a cause, such Justice shall immediately certify and return the said minutes, together with all pleadings and papers in said cause, to the Clerk's office, who shall immediately thereupon file the same, and make the proper entries under the title of the action in the docket aforesaid.

Procedure. SEC. 224. The Justices' Court and the Justices of the Peace of every such city and county shall be governed in their proceedings by the provisions of law regulating proceedings before Justices of the Peace, so far as such provisions are not altered or modified in this chapter, and the same are or can be made applicable in the several cases arising before them. The Justices' Court of such city, or city and county, shall have power to make rules, not inconsistent with the Constitution and laws for the government of such Justices' Court and the officers thereof; but such rules shall not be in force until thirty days after their publication; and no rule shall be made imposing any tax or charge on any legal proceed-

ing, or giving any allowance to any Justice or officer for services.

SEC. 225. All actions and proceedings pending and undetermined before the Justices' Court of such city, or city and county, if any, at the time of its organization under this Act, shall be proceeded in, heard, and determined before the Court herein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise; and the Court provided for under this Act shall be deemed to be a continuation of the same Court before existing, and not a new Court.

New Justices' Court a continuation of old.

SEC. 226. It shall not be lawful for any Justice of the Peace, the Justices' Clerk, or the Sheriff, or any of his deputies, of such city, or city and county, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or person in any cause, or in relation to any demand, account, or claim pending, or to be sued or prosecuted before said Justices, or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

Prohibition to practice by Justices.

SEC. 227. No person, other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be permitted to appear as attorney or agent for any party in any cause or proceeding before said Justices, or any of them, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before one of said Justices, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney, or a true copy thereof, duly certified by one of the Justices aforesaid (who, on inspection of the original, shall attest to its genuineness), shall be filed among the papers in such cause or proceeding.

Qualifications of attorneys.

SEC. 228. If, at the time of the organization of any such city, or city and county, under this Act, there shall not be the complement of Justices of the Peace provided for in this chapter, the Municipal Council of such city, or city and county, shall appoint a suitable person or persons to fill such complement, and the person or persons so appointed shall hold office from his or their appointment, and until his or their successor or successors is or are elected or appointed and qualified.

Appointment of additional Justices.

SEC. 229. The judicial power of such city, or city and county, shall be vested in a "Police Court," to be held therein by the Police Judges. The Police Court shall not be a Court of record. Said Court shall have a seal. The Judges of said Court may hold as many sessions of said Court at the same time as there are Judges thereof. There shall be two departments of said Court, denominated respectively, Department One and Department Two. The Court may sit in Departments, and shall be always open for the transaction of business. There shall be, as far as practicable, an equal distribution of cases between the said Departments, which cases shall be alternately set down for trial to each Department, in the order in which the warrants are issued

Police Court.

or proceedings brought before the Court. Said Judges shall, as soon as may be after the commencement of the terms of their office, classify themselves by lot for assignment to said Departments, and shall be thereby assigned accordingly.

Power and jurisdiction of Police Court.

SEC. 230. All the power and jurisdiction of said Court shall be enjoyed and may be exercised in Bank, or in either Department thereof. All the powers of said Judges may be exercised by either of them.

Same.

SEC. 231. The Police Court of such city, or city and county, shall have jurisdiction:

First—Of an action or proceeding for the violation of any ordinance of such city, or city and county.

Second—Of proceedings respecting vagrants and disorderly persons.

Same.

SEC. 232. The Police Court shall have jurisdiction of the following public offenses committed in such city, or city and county:

First—Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars.

Second—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and of all misdemeanors punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Fourth—Said Court or Judges shall have jurisdiction of proceedings for security to keep the peace; and also, throughout such city and county, the same powers and jurisdiction in other criminal actions, cases, prosecutions, and proceedings as are now or hereafter may be conferred by law upon Police or Justices' Courts.

Power to hold examinations.

SEC. 233. The Judges of said Court shall have power to hear cases for examination, and may commit and hold the offender to bail for trial in the Superior Court, and may try, condemn, or acquit, and carry their judgment into execution, as the case may require, according to law, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of their power and jurisdiction.

May commit to Home of Inebriate.

SEC. 234. Said Court or Judges shall also have power to commit to the Home for the Care of the Inebriate, when any such institute may be established, any person who may be convicted before them of habitual intemperance, for a term not exceeding six months, or until sooner released by order of the Police Judges, or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

When may commit to Industrial School.

SEC. 235. The said Court or Judges shall have the power to commit all offenders duly convicted, under eighteen years of age, to the Industrial School of said city and county, in all cases where such commitment shall by said Court or Judge be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If,

upon any trial, it shall appear that the person on trial is under fourteen years of age, and has done an act, which if done by a person of full age would warrant a conviction of the crime of misdemeanor charged, then and in that case said Court or Judges shall have power to commit such child to the Industrial School. In either case said Court or Judges may sentence such person to be confined in the correctional department of said Industrial School for any term not exceeding six months. Upon application of the Mayor, or any member of the Supervisors, or of any three citizens, charging that any child under eighteen years of age lives an idle or dissolute life, and that his parents are dead, or, if living, do from drunkenness or other vices or causes, neglect to provide any suitable employment, or exercise salutary control over such child, the said Court or Judges shall have power to examine the matter, and upon being satisfied of the truth of such charges, may sentence such child to the Industrial School; *provided*, that no person shall be so sentenced for a longer period than until he arrive at the age of eighteen years.

Sec. 236. In cases where, for any offense, the said Court is or Judges are authorized to impose a fine, or imprisonment in the county jail, or both, it or they may instead sentence the offender to be employed at labor on the public works, or in the House of Correction, or workhouse, as the Supervisors may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed, and may, in case a fine is imposed, embrace as a part of the sentence, that in default of payment thereof, the offender shall be obliged to labor on said works, at said House of Correction, or workhouse, or elsewhere, at the rate of one dollar a day, till the fine imposed is satisfied; *provided*, that no person under the age of twenty-one years, or who is to be sentenced, on conviction for drunkenness or breach of the peace, shall be sentenced to labor upon the public works away from the House of Correction or workhouse.

May sentence to labor on public works, etc.

Sec. 237. The said Court and Judges may punish contempt in the same manner and to the same extent as Superior Courts, and the laws concerning contempts applicable to Superior Courts shall be applicable to said Police Court and Judges.

Punishment of contempt.

Sec. 238. The County Clerk shall keep a record of the proceedings of the Police Court, issue all process ordered by said Court, and shall render to the Auditor, monthly and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected, as Clerk of said Court, since his last account rendered. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the Police Judges, in cases not exceeding one thousand dollars, and he shall fix, justify, and accept bail after arrest, in the absence of the Police Judges, in all cases not amounting to a felony, in the same manner and with the like effect as if the same had been fixed by the Police Judges or Police Court. The County Clerk shall appoint three deputy clerks, who shall act as deputy clerks of said Police

Record to be kept by County Clerk.

Court. The Clerk and the deputy clerks, in this section mentioned, shall have authority to administer oaths and affirmations, and take and certify affidavits in any proceeding in said Police Court, in and for said city and county, and to issue subpoenas.

Office hours. SEC. 239. The Police Judges and the deputy clerks shall attend at the Court-rooms of said Court for the dispatch of business daily, from the hour of nine o'clock A. M. until five o'clock P. M., and during such other reasonable hours as may be necessary for the discharge of their respective duties, except on legal holidays.

Payment of fines by Clerk into treasury. SEC. 240. The County Clerk, as Clerk of the Police Court, shall pay to the Treasurer of said city and county, immediately, all fines collected and bail forfeited, accompanied by a verified written statement showing from whom each fine was collected, when collected, in what case, specifying the offense, and in what amount, and in what case, and by whom such bail was forfeited. He shall, immediately upon the forfeiting of any bail bond in the Police Court, transmit to the District Attorney a copy of such bail bond, duly certified by him under the seal of that Court to be a true copy, stating in such certificate the fact of such forfeiture, and the date thereof.

Justices of the Peace may preside in Police Court. SEC. 241. Any Justice of the Peace of the said city and county who may be designated, in writing, by the Mayor for the purpose, shall have power to preside in and hold the Police Court of said city and county, or any department thereof, in the event of the temporary absence of the Police Judges, or either of them, or of their inability to act from any cause; and during such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judges.

Duty of Assistant District Attorney. SEC. 242. It shall be the duty of the Assistant District Attorneys acting in the Police Court, or either and each of them, whenever they shall have been credibly informed that any person criminally injured by another is likely to die, to take the dying statement of such person, and to immediately reduce the same to writing. It is also hereby made the duty of attending physicians, and others knowing of such cases, to report the same immediately to such Assistant District Attorneys.

Attorney before Police Court. SEC. 243. No person shall be permitted to act as attorney or counsel before the Police Court or the Police Judges, unless he shall be an attorney and counselor admitted to practice in the Supreme Court of this State.

Bailiffs for Court. SEC. 244. The Chief of Police shall designate two or more policemen, who shall attend constantly upon the Police Court, act as bailiffs therein, and execute the orders and process of said Court and the Judges thereof.

Abolition of Courts and transfer of records. SEC. 245. The Police Judge's Court and the Police Judge's Court Number Two of said city and county, and the offices of the Judges thereof, shall be abolished at twelve o'clock noon, of the first Monday after the first day of January, in the year eighteen hundred and eighty-five, and at that time all records,

registers, dockets, books, papers, actions, warrants, judgments, and proceedings lodged, deposited, or pending before the said last mentioned Courts, or the Judges thereof, shall be by force hereof transferred to said Police Court, which Police Court and the Police Judges herein provided for shall have the same power and jurisdiction over them as if they had been in the first instance lodged, deposited, or commenced in said Police Court, or before the Judges last aforesaid; but nothing herein contained shall affect any judgment rendered or proceeding had before that time in said Police Judge's Court or said Police Judge's Court Number Two, or before the Judges thereof, or either of them.

SEC. 246. There shall be appointed by the Judges of the Superior Court of such city and county five competent persons Interpreters. deputies to act as interpreters and translators of the following languages: French, German, Italian, Spanish, Portuguese, Chinese, and Slavonian. The said deputies shall each receive a salary of one thousand two hundred dollars per annum, which shall be paid in the same manner as the salaries of other officers are paid. It shall be the duty of each of said deputies to attend in all the Courts in and for such city and county, when required by any of the Judges thereof, without further compensation than the salaries above provided.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

SEC. 247. There shall be a Board of Education for such city, or city and county, which shall be composed of twelve School Directors, elected as provided in this chapter, who shall hold office for two years, and until their successors are elected and qualified. They shall have the same qualifications as to eligibility requisite for members of the Board of Aldermen. Said Board shall organize immediately after the election and qualification of its members, by electing a President from among the Directors elected, and annually thereafter, and shall hold meetings monthly, and at such times as the Board shall determine. A majority of all the members elected shall constitute a quorum from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its record shall be open to public inspection. Boards of Education.

SEC. 248. There shall be elected by the qualified voters of such city and county, at the general State election, a Superintendent of Schools, who shall take office on the first Monday after the first day of January next following his election, and hold office for the term of four years, and until his successor is elected and qualified. He shall perform such duties as are prescribed by law. Superintendent of Schools.

SEC. 249. The Board of Education shall have power: Powers of Board.

First—To establish school districts, and to fix and alter the boundaries thereof. Establish districts.

Second—To maintain public schools as organized at the time of the organization of such city, or city and county, Maintain schools.

under this Act, and to consolidate and discontinue the same as the public good may require.

Establish high schools.

Third—To establish high, normal, and experimental schools for the education of teachers.

Employ and dismiss teachers, etc.

Fourth—To employ and pay and to dismiss teachers, janitors, School Census Marshals, and such mechanics and laborers, and such other persons as may be necessary to carry into effect the powers and duties of the Board, and, unless otherwise provided by law, to fix, alter, and allow paid their salaries and compensations, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Make and establish rules, etc.

Fifth—Also to make and establish and enforce all necessary and proper rules and regulations for the government and efficiency of the schools, teachers, and pupils, and for the carrying into effect of the school system; and to establish and regulate, and grade the schools, the course of studies and mode of instruction therein; to investigate all charges of misconduct on the part of teachers and other employés of the Board; to administer oaths and take testimony; to summon and enforce the attendance of and examine witnesses for such purpose before the Board, or a member or committee thereof. Any person summoned and refusing to attend and testify, shall be deemed guilty of a misdemeanor; and any person testifying falsely shall be guilty of perjury, and on conviction punished accordingly.

Provide fuel, stationery, etc.

Sixth—To provide for the School Department of such city, or city and county, fuel, lights, blanks, blank books, books, printing, and stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in the schools, or in the office of the Superintendent.

Provide school houses.

Seventh—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property, and to use and control such buildings as may be necessary for the uses of the Board and its committees.

To purchase school lots.

Eighth—To receive, purchase, lease, and hold in fee, in trust for such city, or city and county, any and all real estate and personal property that may have been or which hereafter may be acquired for the use and benefit of the schools of such city, or city and county.

Grade school lots.

Ninth—To grade, fence, and improve school lots, and in front thereof.

To sue and be sued.

Tenth—To sue for any and all lots, lands, and property belonging to or claimed by the School Department of such city, or city and county, and to prosecute and defend all actions at law, or in equity, necessary to recover the full enjoyment and possession of said lots, lands, and property, and to require the services of the City or City and County Attorney in all such suits and proceedings.

To superintend disbursement of school moneys.

Eleventh—To establish regulations for the just and equal disbursement of all moneys belonging to the School Department, or to the Public School Fund, and to make rules and regulations to secure economy and accountability in the expenditure of school money.

Twelfth—To discharge all legal incumbrances existing upon any school property; to dispose of and sell such personal property used in the schools as shall no longer be required, and all moneys realized by such sales shall be paid into the city treasury to the credit of the Public School Fund. To sell certain personal property.

Thirteenth—To lease, for the benefit of the Public School Fund, for a term not exceeding five years, any unoccupied property of the School Department not required for school purposes; to prohibit any child under six years of age from attending the schools; and generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board. To lease lots, etc.

SEC. 250. The President of the Board of Education, the Superintendent, and the Secretary, shall have power to administer oaths or affirmations concerning any demands upon the treasury, payable out of the Public School Fund, or other matters relating to their official duties, or the School Department. Who may administer oaths.

SEC. 251. It shall be the duty of each Director to make quarterly reports to the Board of the condition of the schools in their respective districts. Reports.

SEC. 252. It shall be the duty of the Board of Education to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, building, repairs, merchandise, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred is likely to exceed two hundred dollars, shall be done by contract, let to the lowest responsible bidder, after advertisement by the Superintendent of Schools; and the contract shall be entered into by the Superintendent with the party to whom the contract is awarded; and the Superintendent shall take care that such contract is carried out in strict accordance with the terms thereof. Supplies, how furnished.

SEC. 253. All bids or proposals made under the preceding section shall be delivered to the Superintendent of Schools, and said Board shall, in open session, open, examine, and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may be proved delinquent or unfaithful in any former contract with such city and county, or said Board, and cause a republication of the notice for proposals, as above specified. Any person may bid for any one article. Bids and contracts, how made and awarded.

SEC. 254. Any School Director, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who shall, while in office, or so connected, or drawing salary, be interested, either directly or indirectly, in, or who shall gain any benefit or advantage from any contract, payments under which are to be made in whole or in part of the moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, shall be deemed guilty of felony, and, on conviction, punished accordingly; and this Not to be interested in contract.

provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to and with other penalties and disabilities as to such acts and offenses.

Annual report.

SEC. 255. The Board shall make and transmit, between the fifteenth day of January and the first day of February of each year, to the State Superintendent of Public Instruction, and to the Mayor and Municipal Council of such city, or city and county, a report, in writing, stating the whole number of public schools within the jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the whole amount of money drawn from the treasury by the department during the year, distinguishing the amounts drawn from the General Fund of the State from all other, and from what sources, and the manner and purpose in which such money has been expended, with particulars, and such other information as may be required from them by the State Superintendent, the Municipal Council, or the Mayor.

Evening school.

SEC. 256. The Board shall provide evening schools, to be held in the public school houses, for the benefit of those unable to attend the day schools. They shall make and enforce regulations requiring the teachers to keep records of the names, ages, and residences of all pupils, and the names and residences of their parents, and the aggregate attendance of each pupil during the year, and to verify and report the same on the thirty-first day of December to the Board; and such other rules and regulations for the purpose of ascertaining the attendance and efficiency of the department and progress of education.

Sup't a member of the Board. Clerk.

SEC. 257. The Superintendent of Schools shall be ex officio member of the Board of Education, without the right to vote.

SEC. 258. Said Superintendent shall appoint a Clerk, subject to the approval of the Board of Education, who shall act as Secretary of said Board. His salary shall be two hundred dollars a month. Said Clerk may be removed at the pleasure of the Superintendent, and shall perform such duties as shall be required of him by the Board or the Superintendent.

Report of Superintendent.

SEC. 259. The Superintendent shall report to the Board annually, on or before the first day of August, and at such other time as the Board may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of such city, or city and county, during the preceding fiscal year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board. He shall attend the sessions of the Board, and inform himself, at each session, of the condition of the schools, school houses, school funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in such city, or city and county. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in such city, or city

and county, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

SEC. 260. The Superintendent of Schools shall visit and examine the schools, and see that they are efficiently conducted, and that the laws and regulations of the Board are enforced in all things, and that no religious or sectarian books or teachings are allowed in the schools, and to report monthly to the Board. He shall also report to the State Superintendent at such times as such officer shall require. Shall visit schools.

SEC. 261. Any vacancy in the office of School Director shall be filled for the remainder of the term by a person to be appointed by the Board of Aldermen. Vacancy, how filled.

SEC. 262. In case of a vacancy in the office of Superintendent, the Board of Aldermen may appoint a person to fill the vacancy until the next regular election, when the office shall be filled by the people. Vacancy in office of Superintendent, how filled.

SEC. 263. The School Fund of such city, or city and county, shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Municipal Council of such city, or city and county, for school purposes; of all moneys arising from sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund. Said fund shall be kept in the city, or city and county, treasury, separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or drawn from said fund, except under the provisions of this chapter. School Fund.

SEC. 264. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit: School Fund, how used.

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

Second—For the erection, alteration, repair, rent, and furnishing of school houses.

Third—For the expenses of high, normal, and experimental schools.

Fourth—For the purchase money or rent of any real or personal property purchased or hired by the Board.

Fifth—For the insurance of all school property.

Seventh—For the discharge of all legal incumbrances now or hereafter existing on any school property.

Eighth—For lighting school rooms, and the office and rooms of the Superintendent and the Board of Education.

Ninth—For supplying the schools with fuel, water, appa-

ratus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Tenth—For supplying books, printing, and stationery, for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department.

Eleventh—In grading, fencing, and improving school lots.

Claims, how
allowed

SEC. 265. All claims payable out of the School Fund (excepting coupons for interest on school bonds), shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of the Board, upon a call of "yeas" and "nays" (which shall be recorded), they shall be signed by the President of the Board and the Superintendent of the Public Schools, and be sent to the City and County Auditor. Every demand shall have indorsed upon it a certificate of its approval by the Board, showing the date thereof, and the law authorizing it, by title, date, and section. All demands for teachers' salaries shall be payable monthly.

Demands on
School Fund.

SEC. 266. Demands on the School Fund may be audited and approved in the usual manner, although there shall not, at the time, be money in the treasury for the payment of the same; *provided*, that no demand on said fund shall be paid out of or become a charge against the School Fund of any subsequent fiscal year; *and further provided*, that the entire expenditures of the said school department, for all purposes, shall not, in any fiscal year, exceed the revenues thereof for the same year.

Auditor to
designate
fund.

SEC. 267. The City, or City and County, Auditor shall state, by indorsement upon any claim or demand audited on the School Fund, the particular money or fund out of which the same is payable, and that it is payable from no other source.

Audited bills
receivable
for taxes.

SEC. 268. Audited bills for the current fiscal year for wages or salaries of the teachers in the public schools shall be receivable for school taxes due upon real estate.

All demands
shall be
audited and
paid in the
usual man-
ner.

SEC. 269. All lawful demands authorized by this chapter for school purposes, shall be audited and approved in the usual manner, and the Auditor and Treasurer of such city, or city and county, are respectively authorized to audit and pay the same, when so ordered paid and approved by the said Board; *provided*, that the said Board shall not have the power to contract any debt or liability, in any form whatsoever, against such city, or city and county, in contravention of this chapter; *and provided further*, that the allowance or approval by the Board of demands not authorized by this chapter shall be no warrant or authority to the Auditor or Treasurer to audit or pay the same.

Board of
Education to
make
estimate.

SEC. 270. It shall be the duty of the Board of Education of such city, or city and county, on or before the second Monday of September of each year, to report to the Municipal Council an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in such city, or city and county, specifying the amount required for supplies furnished pupils, for purchasing and procuring sites, for leasing rooms or erecting buildings, and for furnishing,

fitting up, altering, enlarging, and repairing buildings; for the support of schools organized since the last annual apportionment; for salary of teachers, janitors, clerks, and other employés, and other expenditures authorized by law; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionments. The number of pupils who shall be considered as having attended the schools during any one year, shall be ascertained by adding together the number of days' attendance of all the pupils in the common schools during the year, and dividing the same by the number of school days in the year. Said Municipal Council is authorized and empowered to levy and cause to be collected, at the time and in the manner of levying State and other city, or city and county, taxes, the amount of tax, not to exceed thirty-five dollars per pupil, determined and reported by the Board of Education. The amount so levied and collected shall not include the amount received annually from poll taxes.

SEC. 271. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect are taught, inculcated, or practiced, or in which any book or books, containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect, is used; nor shall any such books or teachings be permitted in the common schools.

No sectarian school shall receive school money.

SEC. 272. No member of the Board of Education shall ever become the disbursing agent of such Board, or handle or pay out any of its money under or upon any pretense whatever. Any violation of this provision shall be a misdemeanor, and shall subject the offender, besides the punishment, to removal from office. Any member or officer of the Board of Education who shall, while in office, accept any donation or gratuity in money, or of any valuable thing, either directly or indirectly, from any teacher, or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be deemed guilty of a misdemeanor in office, and shall be ousted by the Board, or by any Court of competent jurisdiction, from his seat, on proof thereof. Any member or officer of the Board of Education who shall accept any money, or valuable thing, or the promise thereof, with an agreement or understanding, express or implied, that any person shall, in consideration thereof, get the vote or influence of such member or officer for a situation as a teacher or employé of any kind in the school department, shall be deemed guilty of a felony, and on conviction, shall be punished accordingly.

No member of Board shall disburse school money, or accept gift.

Penalty.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SEC. 286. All the existing provisions of law defining the duties of county officers, excepting those relating to Supervisors and Boards of Supervisors, so far as the same are not

Laws which do not conflict with this Act are continued in force.

Payment of indebtedness.

Where provisions of this chapter shall apply.

Duty of Municipal Council in the levy of taxes.

inconsistent with, repealed, or altered by the provisions of this chapter, shall be considered as applicable to officers of any consolidated cities and counties, acting or elected under this chapter. Provisions shall be made from the revenues of any city, or city and county, heretofore existing and reorganized under this Act, for the payment of the legal indebtedness of the municipal incorporation to which such reorganized city, or city and county, shall succeed, or of which it is a reorganization, as well as for that of such city, or city and county, after its organization, and all funding Acts and other laws providing for the payments of principal and interest on any funded debt of such former corporation shall remain in force. The taxes which may be levied and collected in such city, or city and county, shall be uniform throughout the same.

SEC. 287. The provisions of this chapter concerning the following named officers, to wit: Sheriff, County Clerk, Recorder, Coroner, and Public Administrator, shall apply only to consolidated cities and counties. The provisions of this chapter relating to the District Attorney shall, except in consolidated cities and counties, be deemed to apply to the City Attorney; and no Sheriff, County Clerk, Recorder, District Attorney, Coroner, or Public Administrator shall be elected in any municipal corporation under the provisions of this chapter, except in consolidated cities and counties.

SEC. 288. The Municipal Council of any such consolidated city and county shall perform such duties in and about the levy and equalization of State and county taxes, and all other matters and things as are or may be prescribed by law for Boards of Supervisors of counties in like cases, and not inconsistent with the provisions of this chapter.

CHAPTER III.

MUNICIPAL CORPORATIONS OF THE SECOND CLASS.

(A charter for cities having a population of more than 30,000 and not exceeding 100,000.)

ARTICLE I.

GENERAL POWERS.

Powers of municipal corporations of the second class.

SEC. 300. Every municipal corporation of the second class shall be entitled the City of —— (naming it), and by such name shall have perpetual succession, may sue, be sued, in all Courts and places, and in all proceedings whatever shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit; *provided*, that it shall purchase without the city no property except such as shall be deemed necessary for establishing hospitals, prisons, cemeteries, and industrial schools.

ARTICLE II.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 301. The municipal election shall be held on the second Monday of March of each even numbered year, and such election shall be subject to all the provisions of the law regulating elections for State officers, except as otherwise provided in this chapter. At such election there shall be elected, for the government of the city, the following officers: Seven Councilmen, who shall constitute a Board to be known as the City Council; a Mayor; a Treasurer, who shall be ex officio Clerk of the City Council; a City Attorney; a School Superintendent, and a Street Superintendent, who shall respectively hold office for the term of two years, and until their successors are elected and qualified. One Councilman shall be elected from each ward, by the vote of the city at large, and shall hold office for the term of two years, and until his successor is elected and qualified.

Election, when held.

Name and number of officers.

SEC. 302. The Clerk and Treasurer, Superintendent of Public Schools, Street Superintendent, and all other officers when required by the City Council by ordinance, shall each, before entering upon his official duties, and within ten days after receipt of his certificate of election or appointment, execute a bond, in such sum as the Council may direct, payable to the city; which bond shall be subject to the law concerning the official bonds of officers, and to approval by the Mayor. And the Council may at any time require an additional amount, or new sureties, upon any bond which it may deem insufficient. If such additional security be not given, the Council, upon notification thereof by the Mayor, may by a vote of two thirds of the members, declare the office vacant.

Bonds.

Additional bond.

SEC. 303. All fees, percentages, and all other moneys received or collected by any officer of the city, shall be paid by such officer, at the end of each month, into the city treasury, for the use of the city; and no payment shall be made to any officer for salary until he shall have taken, and filed with the Clerk, an affidavit that he has paid into the city treasury all fees, percentages, and all other moneys by him theretofore received or collected.

Fees, etc., to be paid into treasury.

SEC. 304. No member of the City Council, or of the Board of Education, nor any officer of the city, shall be surety upon the official bond of any corporate officer, nor shall he be, directly or indirectly, interested with or be surety for any person who may be interested in any franchise, contract, appropriation, work, or business, or in the sale of anything the price of or consideration for which is paid or payable by the city, or by assessments levied under an ordinance of the Council; nor shall any contract be awarded or franchise granted to any person who may be surety on the official bond of any officer of the city.

No city officer shall be surety on bond of any corporate officer.

SEC. 305. If any officer of such city, or member of the City Council, or Board of Education, shall remove from the city, or absent himself therefrom for more than thirty days,

Vacancy, how filled.

or shall fail to qualify by taking the oath of office, as prescribed by law, or to file his official bond, whenever such bond is required, within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the City Council shall thereupon fill the vacancy, upon nomination by the Mayor.

Oath of
office.

SEC. 306. Every officer provided for in this chapter shall, before entering upon the duties of his office, take and file with the Treasurer the constitutional oath of office; *provided*, that the oath of office of the Treasurer shall be filed with the Mayor.

Salaries.

SEC. 307. The salaries of the officers of such city shall be as follows: Mayor, one thousand dollars per annum; Clerk and Treasurer, two thousand dollars per annum; Assistant to the Clerk and Treasurer, twelve hundred dollars per annum; Clerk of the Police Court, twelve hundred dollars per annum; Clerk to the Police Court, nine hundred dollars per annum; City Attorney, two thousand dollars per annum; Street Superintendent, eighteen hundred dollars per annum; Captain of Police, eighteen hundred dollars per annum; Police Detective, fifteen hundred dollars per annum; School Superintendent, two thousand dollars per annum; Assistant School Superintendent, twelve hundred dollars per annum; Policemen, nine hundred dollars per annum each. The Mayor may appoint a clerk, who shall receive a salary of nine hundred dollars per annum. The salaries of all officers shall be paid in monthly installments, at the end of each and every month of service.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Time of
meeting.

Quorum.
Rules.

Journal.

Powers.

SEC. 319. The City Council shall meet on the first Monday after their election, and at such other times as they may, by ordinance, appoint. A majority of the Council shall constitute a quorum for the transaction of business. They shall determine the rules of their proceedings, and judge of the qualification and election of all officers; and shall provide, by ordinance, the method of calling special meetings of the Council. Their sittings shall be public. A journal of their proceedings shall be kept by the Clerk, under their direction; and the ayes and noes shall be taken and entered on the journal at the request of any member. They shall prescribe, by ordinance, the duties of all officers whose duties are not defined in this Act. They shall have the power to raise, by tax, not exceeding one per cent for all purposes (except for the redemption of bonds) on the assessed value of the real and personal property within the limits of such city, moneys for the establishment and support of free common schools, and to provide suitable grounds and buildings therefor, and defraying the ordinary expenses of the city, as well as for paving, planking, or otherwise improving the streets of the city. They shall also have power to pass all proper and necessary ordinances for the regulation and sale of city property, and to give deeds therefor. They shall have power to

open, alter, establish, grade, or otherwise improve and regulate streets, alleys, and lanes, and the sidewalks upon the same; to construct and keep in repair bridges, so as not to interfere with navigation, fences, public places, wharves, docks, ferries, piers, slips, sewers, and wells, and to make assessments therefor; to regulate and collect tolls, wharfage, dockage, and crantage, upon all water craft, and all goods landed; to make regulations for securing the health, cleanliness, ornament, peace, and good order of the city; for preventing and extinguishing fires, and appointing and regulating firemen, policemen, and such other officers as may be necessary to appoint; for the care and regulation of prisons and markets; for licensing, taxing, and regulating all such vehicles, business, and employments, as the public good may require, and as may not be prohibited by law; to levy a tax license upon all dogs, or otherwise prevent the same from running at large in the streets and public grounds of the city; to regulate and suppress all occupations, houses, places, amusements, and exhibitions which are against good morals, or contrary to the public order and decency; for the regulation and location of slaughter houses, markets, stables, and gas works, and houses for the storage of gunpowder and other combustible materials, and limit the quantity of combustible or explosive materials to be stored in any one place; for prohibiting or suppressing the erection of slaughter houses, or the slaughtering of animals within the limits of the city, and for prohibiting or suppressing the erection, or carrying on of any soap or glue factory, tanyard, powder magazine, or other nuisance within the limits of the city; and to declare what shall constitute a nuisance; and to make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws; and provide suitable buildings for the management, good government, and general welfare of the city. They shall also have power to pass such ordinance or ordinances as may be necessary to prevent animals from running at large within the limits of the city; to establish a pound, and appoint a Poundkeeper, and prescribe his duties, and to provide for the public sale, by the Poundkeeper, of such animals as may be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of this State; *provided*, that the owner or owners of such property so impounded may reclaim the same at any time before sale, upon payment of costs and charges of taking up and impounding; and, within thirty days after the sale, upon proof of ownership of the property sold, duly made before the Mayor, and upon payment of the costs and expenses of impounding and selling, and upon the payment of the sum of one dollar to the Mayor, as a fee for the investigation of the question of ownership, and for his certificate to that effect, such owner or owners may receive the purchase money arising from such sale or sales. Penalties for the violation of any and all ordinances shall be by fine, not exceeding one hundred dollars, and in case the fine be not paid, then the person or persons may be

Powers.

Penalties for violation of ordinance.

imprisoned at the rate of one day for every two dollars of the fine imposed, or in lieu of the imprisonment, or any part of it, the person or persons so fined shall labor, under the direction of the city authorities, either upon the streets, public grounds, or buildings, or in such other places as may be deemed advisable for the benefit or revenue of said city. The City Council, upon the nomination of the Mayor, shall have power to appoint suitable persons to fill vacancies in any elective office, except that of Mayor, until the next regular municipal election, when, if the term be unexpired, an election shall be held to fill such vacancy for the unexpired term of said officers. The members of the City Council shall receive no salary for their services. They shall have power to provide for all city elections, to designate the place or places of holding the same, giving at least ten days notice thereof; to appoint Inspectors and Judges of Election, examine the returns, and declare the result, and to determine contested elections. The President pro tempore of the Board shall discharge the duties of Mayor whenever there shall be a vacancy in the office of Mayor, or when the Mayor shall be absent from the city for a period exceeding five days, or be unable, from sickness, to attend to the duties of his office. In the absence of the Clerk, the City Council shall appoint one of their members to act as Clerk pro tempore; they shall also have power to set aside any amount of money belonging to the city which may at any time be in the hands of the Treasurer, after deducting the current expenses of the city, and the interest due upon the funded debts of the city, as a sinking fund whereby the bonds issued by the city may be redeemed, or they may, at any time before said bonds shall become due, with any surplus money which may belong to the city, after paying said expenses and interest, redeem or purchase for the city and in its name, in the manner most advantageous to the city, any outstanding bonds, which bonds or claims, when so purchased, shall be immediately canceled; *provided*, this right shall not affect the rights of the holders of said bonds, or in any way prevent them from holding the same until said bonds become due and payable; they shall also have the power to determine the width of sidewalks, and the material and manner of their construction, as well as the grade of the same; they shall also have the power to establish fire districts, and within said districts to prevent the erection of wooden buildings, or any buildings composed of combustible materials, and also to prevent the further repairing of wooden buildings within the fire limits established.

Salary.

Further powers.

Construction of sinks, etc.

Anchorage of vessels, etc.

SEC. 320. Said Council shall also have power :

First—To regulate the construction of sinks, gutters, wells, cesspools, and privy vaults, and to compel the cleansing or emptying of the same, and the time and manner in which the work shall be done.

Second—To regulate the anchorage of vessels within the limits of the city, and to prevent obstructions to the free navigation of all navigable waters within the same.

Third—To prevent persons from throwing into any stream,

creek, bay, or other body of water within the limits of the city, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the water thereof.

Pollution of water.

Fourth—To open streets to the channel of any navigable stream or creek within the limits of the city, and to deep water to any navigable bay or lake within the same, and to construct and maintain public wharves at the ends of such streets.

Open streets.

Fifth—To regulate the location of steam boilers, the putting up of signs and awnings, and the construction of entrances to basements or cellars from the sidewalks.

Regulate location of boilers, etc.

Sixth—To establish hack stands, and to regulate the rates of charges of hacks and other licensed vehicles, and to require a schedule of such charges, printed in conspicuous type and satisfactory to the Council, to be posted in a conspicuous place in each hack or other licensed vehicle; *provided, however*, that the standing of hacks shall not be permitted on any street upon which railroads operated by steam shall be used.

License hacks, etc.

Seventh—To compel the attendance of absent members of said Council at any of the meetings thereof, and to cause the arrest of any person for disorderly conduct at their meetings.

To compel attendance of absent members.

Eighth—To regulate the speed of railway engines in the city, and to require railroad companies to station flagmen at street crossings; to grant franchises permitting steam railroads upon any of the streets of the city; *provided*, that the same shall only be granted after two weeks notice previously published in some newspaper published in the city, and by ordinance passed by the vote of two thirds of the members elected to said Council, approved by the Mayor, and upon the previous petition, in writing, of the owners of two thirds of the front feet of the lands upon the portion of the street to be so used.

Regulate speed of railway engines.
Grant franchises.

Ninth—To regulate the means of entrance to and exit from theaters, lecture-rooms, public halls, and churches, and to prohibit the placing of chairs, stools, benches, or other obstructions in the aisles of such buildings.

Regulate entrance to and from theaters, etc.

Tenth—To require railroad companies to keep the street in repair between the tracks and along and within the distance of two feet upon each side of the track occupied by the company.

Railway companies to keep certain streets in repair.

SEC. 321. They shall also have the exclusive right, in the manner prescribed by ordinance, of issuing and granting licenses, and of collecting tax licenses for the benefit of the city, upon the following business and property, to wit: upon each and every person within the limits of the city who shall vend any goods, wares, or merchandise, wines, distilled or fermented liquors, drugs, medicines, jewelry, or wares of precious metals; upon persons who keep horses or carriages for rent or hire; upon persons keeping billiard tables for hire, bowling alleys, and shooting galleries; also upon all taverns, inn-keepers, and upon all persons who may sell or dispose of any malt, spirituous, or fermented liquors or wines, in less

License certain property and business.

quantities than one quart; and the said licenses shall be issued quarterly or yearly. Also upon any person within the limits of the city who shall keep a stallion, jack, bull, or ram, and who shall permit the same to be used for the purpose of propagation for hire or profit, which license shall be a yearly license; all of which licenses, when granted by such city and duly obtained by the person or persons desiring the same, shall entitle them to carry on such business, trade, or profession in such city.

Sales and leases of city property.

SEC. 322. All sales or leases of property belonging to the city shall be by public auction to the highest bidder, and upon such terms and conditions as the Council may by ordinance direct; and all contracts for supplies, of any kind, for more than five hundred dollars, shall be let to the lowest responsible bidder, after ten days notice given by posting the same in three of the most public places in the city, or by publishing the same in any newspaper printed and published in such city.

Contracts for supplies.

Licenses.

SEC. 323. Licenses shall be discriminating and proportionate to the amount of business; and it shall be the duty of the Council, by ordinance, to classify all kinds of business licensed in accordance herewith.

Ordinances.

SEC. 324. The enacting clause of all ordinances shall be as follows: "The Mayor and Council of the City of —— do ordain as follows." Every ordinance passed by the City Council shall be presented to the Mayor for his approval; if he approve it, he shall sign it; if not, he shall return it at the first meeting of the Council held after five days thereafter, or at its next meeting; when the City Council shall reconsider such ordinance, and, if the same be approved by a vote of two thirds of all the members elected, and not otherwise, the same shall take effect and stand as an ordinance of such city. All ordinances shall be published for one week in a newspaper printed and published in such city as often during such period as such newspaper shall be published.

Fixing rate of taxation.

SEC. 325. The Council shall, upon the first Monday of October in each year, fix the rate of taxation to be levied upon all property, both real and personal, in said municipality necessary to raise sufficient revenue to carry on the various departments of the city government for the then ensuing year, not to exceed one dollar for each one hundred dollars upon the assessment roll, and to pay the bonded and other indebtedness of said city. The said Council must, upon fixing said amount, transmit a statement thereof to the County Auditor. The action of the City Council in fixing the rate of taxation for city purposes is a valid levy of the rate so fixed upon all property, both real and personal, in the said city, and borne upon the assessment roll of said county, and has the effect provided in sections three thousand seven hundred and sixteen, three thousand seven hundred and seventeen, and three thousand seven hundred and eighteen of the Political Code, in regard to State and county taxes. The County Auditor shall thereupon compute and enter, in a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting

Auditor.

the fractions of a cent, to be paid as a tax on the property therein enumerated for the purposes of such city government, and foot up the column showing the total amount of such taxes. The taxes so levied and computed shall be 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 said city; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided or that may hereafter be provided by law, for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes. The County Treasurer must, at any time upon the demand of the City Treasurer and Mayor, settle with the City Treasurer, and pay over to him all moneys in the county treasury belonging to such city, taking the receipt of the Mayor and City Treasurer therefor. The County Treasurer shall receive as compensation for all services rendered under this section as Tax Collector and Treasurer, one third of one per cent of all moneys collected and paid over to the City Treasurer, but not to exceed in all one thousand dollars per annum. The County Treasurer and Tax Collector shall be liable on his official bond for all moneys received by him under the provisions of this section.

Taxes, how collected.

Deeds

County and City Treasurer.

SEC. 326. In all matters before the City Council concerning the granting of franchises, letting of contracts, auditing of bills, ordering of work to be done, or supplies to be furnished, or whatever may involve the payment of money, or incurring of debt by the city, the vote shall be by yeas and nays, and be recorded in the journal.

Vote by yeas and nays in certain cases.

SEC. 327. No member of the City Council shall vote in the Council upon any motion, resolution, or ordinance, in favor of any franchise, contract, bill, award, or appropriation, in which he may have any pecuniary interest, present or prospective.

Restriction on members

SEC. 328. The City Council shall not create, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

Debts.

SEC. 329. If, at any time, the City Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised

Debt, how incurred and paid.

annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city as often during said period as said newspaper shall be published; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and an annual tax shall be levied and collected upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be exclusively appropriated to the payment of the principal and interest of such indebtedness, and the City Treasurer shall be liable upon his official bond for any part of said fund otherwise used or appropriated.

Separate
funds.

SEC. 330. It shall be the duty of the City Council, before levying the annual city tax, to establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenues of the city apportioned accordingly, and no transfer shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds.

Bonded
indebted-
ness, how
paid.

SEC. 331. Any city having a bonded indebtedness, contracted under laws heretofore passed, shall levy such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied. All moneys received from licenses, and from fines, penalties, and for forfeitures, shall be paid into the General Fund.

Opening
new streets.

SEC. 332. The City Council shall have power, upon the payment of just compensation, to lay out and open new streets, lanes, alleys, courts, and places within the corporate limits of the city, but shall have no power to subject the city to any expense therefor, except for the necessary expense of surveying and mapping out the same, and when said streets are so laid out and opened the provisions of this chapter shall be applicable thereto.

License on
common
carriers.

SEC. 333. The City Council of said city shall have power to issue and collect an annual tax license on draymen, cabmen, omnibus proprietors, expressmen, and other common carriers doing business in the city, the proceeds of said

licenses to be devoted to a Street Department Fund for keeping in repair the streets in the city. Said annual license not to be more than twelve dollars nor be less than eight dollars for such persons so licensed.

SEC. 334. The City Council is empowered to open, extend, and widen streets, and to modify the boundaries thereof within its corporate limits, and to determine the property benefited thereby, and to assess the expenses of such improvement upon the property benefited, as hereinafter provided.

Widening streets.

SEC. 335. All proceedings under said power shall be commenced by petition of five or more residents and freeholders within the city, signed by the petitioners, addressed to the City Council, and filed with the Clerk of said Council. Such petition shall contain :

Proceedings, how commenced.

First—The names of the petitioners, and a statement that each of the petitioners is a resident and freeholder within the city.

Second—A statement that, in the opinion of the petitioners, the public interests require that the improvement asked for (describing it generally) should be made.

Third—A request that the Council proceed to order the improvement made.

SEC. 336. At the regular meeting next after the meeting at which the petition is presented to the Council, or at any subsequent meeting to which the proceedings may be regularly adjourned, the said Council may, by resolution duly passed, determine the lands to be benefited by the improvement asked for in the petition, and to be assessed for the expenses thereof. Said resolution shall contain a description of each lot, piece, or parcel of land necessary to be taken and condemned for such improvement, and shall also specify the exterior boundaries of the district of land benefited thereby, and to be assessed therefor, and shall direct the City Engineer to make a survey and map of the lands described in the resolution, a copy of which resolution shall be forthwith transmitted by the Clerk of said Council to the said City Engineer.

Duty of Council.

SEC. 337. It shall be the duty of the City Engineer, immediately upon receiving a copy of the resolution mentioned in section four, to survey the lands described in said resolution and make a map thereof, and to return said map to said Council within twenty (20) days from the receipt by him of said copy of the resolution; said map shall show each piece, tract, or parcel of land necessary to be taken and condemned for said improvement, and also the exterior boundaries of the district to be benefited by such improvement and to be assessed on account of the cost and expenses thereof, as declared in the resolution, and the area thereof, exclusive of public streets and alleys. Said City Engineer shall have the right to enter upon the lands and make examinations and surveys thereof, and such entry shall constitute no cause of action in favor of the owners of said lands, except for injuries resulting from negligence, wantonness, or malice.

Duty of City Engineer.

SEC. 338. The Council, at its regular meeting next after the return of the map by the City Engineer, shall pass a

Preliminary resolution. preliminary resolution, declaring the intention of the corporation to make the improvement asked for in the petition. Said resolution shall contain a description of each piece, lot, or tract of land necessary and sought to be taken and condemned for the improvement, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof; the resolution shall also specify a time, not more than fifteen (15) days from the passage thereof, for the hearing by said Council of objections to the proposed improvement, and said resolution shall be published in at least one daily paper printed and circulated in the city, daily (Sundays and non-judicial days excepted), for at least ten (10) days prior to the time fixed for said hearing.

Objections. SEC. 339. If a majority of the owners of the lands in area to be assessed for the expenses of said improvement shall, on or before the day fixed by said resolution for the hearing of objections, appear and protest against said improvement, the proceedings shall be discontinued; *provided, however,* that such protest must be in writing, and shall contain a description of the land claimed by each protestant; *and provided further,* that the Council may, by an unanimous vote of all its members, approved by the Mayor, proceed to cause such improvement to be made, notwithstanding such protest.

Final resolution. SEC. 340. If the owners of a majority in area of the property to be assessed for the expenses of said improvement fail to appear and protest as provided in section seven, or if the Council, by an unanimous vote, approved by the Mayor, order said improvement to be made, said Council must immediately pass a final resolution, declaring such determination. Such resolution shall refer to the said preliminary resolution, by its number, for a description of the lands necessary and sought to be taken and condemned for said improvement, and the district to be assessed for the expenses thereof.

Commissioners to assess damages. SEC. 341. Immediately after the passage of such final resolution, the Council shall apply to the Superior Court of the county in which such city is situated, either in term time or vacation, by petition, for the appointing of three Commissioners to assess the compensation which shall be paid to the owners thereof for the lands sought to be taken for such improvement, and to assess upon the property within the district to be benefited thereby the costs of such improvement. Said petition shall recite all the proceedings had in the premises, and shall specify the exterior boundaries of the lands sought to be taken, and also the exterior boundaries of the district of lands to be benefited thereby, and assessed for the expenses thereof. A copy of the map made by the City Engineer shall be annexed to said petition, and may be referred to in the petition for a description of the lands aforesaid.

Duty of Court. SEC. 342. Upon filing such petition, such Court shall pass and take such jurisdiction of such proceeding, and such Court, or a Judge thereof, shall, by order, fix a day for the

hearing of such petition, which shall be not less than ten nor more than twenty days from the date of such order. Such order shall further direct notice of the time and place of such hearing to be given by the Clerk by publication in two daily newspapers published in such city, and designated in such order, for at least a period of ten days in succession.

SEC. 343. Such notice shall specify the exterior boundaries of the lands sought to be taken for such improvement, and of the lands declared to be profited thereby, and to be assessed for the expenses thereof, and shall further state that the damages to which the owner or owners of the land sought to be taken may be entitled for the same, will be inquired into and determined, and that such damages, together with the costs of the proceedings for the acquiring title to such lands, and making apportionment thereof, will be apportioned and assessed upon the lands to be benefited thereby, by Commissioners to be appointed by such Court, on the day fixed by such order for the hearing. Such notice shall be published daily for at least ten days (Sundays and non-judicial days excepted) before such hearing.

Requisites
of notice.

SEC. 344. At the time fixed for the hearing, or at such other time as the hearing may be adjourned to, the Court shall proceed to hear any person interested touching the regularity of the proceedings, and if satisfied that the proceedings have been regular, shall appoint three competent and disinterested Commissioners. The Court may, at any time, remove any or all such Commissioners for cause, upon reasonable notice and hearing, and may fill the vacancies occurring among them from any cause. Any persons interested may object to the appointment of any person as Commissioner, on one or more of the grounds specified in section six hundred and forty-one of the Code of Civil Procedure, as grounds for the objection to the appointment of persons as referees.

Hearing.

SEC. 345. Commissioners shall be sworn to faithfully perform their duties according to the provisions of this chapter. They shall then proceed to view the lands mentioned and described in such resolution and petition, and may examine witnesses on oath, to be administered by any one of them, and shall keep minutes of the testimony so taken; they shall ascertain and appraise the value of the property sought to be taken for the improvements, and of all improvements thereon partaking of the realty, and of each and every estate therein; if it consist of different parcels, the value of each parcel and each estate, or interest therein, shall be separately appraised; if this property sought to be taken constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned or taken, by reason of the severance from the portion sought to be taken, and the construction of the improvement in the manner proposed shall be appraised by said Commissioners; they shall also ascertain and determine, as near as may be, the entire costs of the proceedings for the opening, extension, or improvement aforesaid, including the costs of Court and of Commissioners; they shall then proceed to apportion and

Duty of
Commission-
ers.

assess the whole amount of such costs and expenses, value of property sought to be taken, and damages to property not taken, upon the property within the district declared by the resolution of the Council to be benefited by said improvement, and shall assess each tract, lot, piece, or parcel of land within said district in proportion to the benefits received by it from said improvement.

Report.

SEC. 346. The said Commissioners, within a time to be fixed by the Court, shall make a report of their proceedings, under their hands, or the hands of a majority of them, to the said Court, in which report they shall describe, with common certainty, the several parcels of land sought to be taken for such improvement, and the names of the owners thereof, respectively, so far as they can be ascertained, designating unknown owners, if any such there be, and the sum of money which should be paid to each of said owners, as his or her compensation for the land necessary and sought to be taken and condemned for such improvement, or of his or her estate therein; and in case only a part of a larger parcel has been taken for such improvement, and the remaining portion is damaged or benefited thereby, they shall describe such remaining portion, and specify the sum to be paid or assessed to the owner thereof, or such damages or benefits as the case may be; they shall also describe, with common certainty, the several parcels of land within the district deemed to be benefited by said improvement, and the names of the owners thereof, so far as they can be ascertained, designating unknown owners, if such there be, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

Objections.

SEC. 347. Upon the filing of such report, the said Court shall, by order, fix a day for hearing objections to the confirmation thereof, and shall direct notice of the time and place of said hearing to be given by the Clerk, by publication in a daily newspaper published in said city, for at least ten days (Sundays and non-judicial days excepted) prior to said day of hearing.

Hearing report.

SEC. 348. Upon the day fixed for the hearing, the Court shall proceed to hear any person interested upon any question touching the regularity of the proceedings, the sufficiency of the compensation awarded, or the justice or equality of the assessment, and may confirm said report, or set the same aside, or remand the same for correction or alteration in any particular. If the report be set aside, the matter may in like manner be referred to the same or new Commissioners appointed by the Court, who shall proceed as hereinbefore provided; if the report be remanded, it shall be corrected or altered in any particular required by the Court.

Compensation of Commissioners.

SEC. 349. The Commissioners shall be entitled to reasonable compensation for their services, to be certified to by the Court, and taxed as part of the expenses of the proceeding.

Judgment, what to contain.

SEC. 350. Upon confirmation of the report of the Commissioners, judgment shall be rendered by the Court thereon, which judgment must describe each parcel of land taken for such improvement, and the amount to which the owner

is entitled as compensation or damages for the taking thereof, and the name of such owner or owners, if known; and in case only a portion of a larger parcel is taken, such judgment must describe such remaining portion, and the amount, if anything, to which the owner thereof is entitled as damages; and must also describe each parcel of land assessed for the expenses of such improvement, and the amount so assessed upon each parcel respectively. Such judgment shall direct a sale of each parcel so assessed, or so much thereof as may be necessary to pay the amount of such assessment and expenses of sale, and the application of the proceeds of such sale to the payment of the expenses of such sale, and the amount of compensation and damages awarded by such judgment. Such judgment shall be a lien upon the property against which such assessment is made, and may be enforced by a sale of the property assessed, as hereinafter provided.

Effect.

SEC. 351. Within thirty days after the entry of such judgment, the persons liable must pay to the Clerk of the Court, for the benefit of the parties entitled thereto, the several amounts specified in such judgment, in default of which the respective parcels of land upon which such assessments have not been paid shall be sold by the Sheriff of such county under a certified copy of such judgment, and in the manner provided by law for the sale of property upon decree of foreclosure of mortgage.

Enforcement of judgment.

SEC. 352. The moneys realized from such sale shall be paid by the officer making the same, to the Clerk of the Court, for the benefit of the parties entitled thereto.

Money, to whom paid.

SEC. 353. Whenever the aggregate amount of damages or compensation awarded by such judgment shall have been paid to the Clerk, either by voluntary payment or as moneys realized from sales under such judgment, the Court must make and enter a final order or decree of condemnation of the lands taken for such improvement, which order or decree shall describe the property condemned and the purpose of such condemnation.

Final order.

SEC. 354. A copy of such order or decree must be filed in the office of the Recorder of such county, and thereupon the property described therein shall vest in such city for the uses and purposes therein specified; and such city shall be entitled to and may take immediate possession thereof.

When title vests.

SEC. 355. Whenever the aggregate amount of damages or compensation awarded by such judgment shall have come to the hands of the Clerk, he shall, upon the demand of any person entitled thereto, pay to said party the amount awarded to him or her by said judgment.

Payment of awards.

SEC. 356. If there is more than one claimant to any parcel of land taken for such improvement, or if the owner of any parcel is unknown, the amount awarded as damages or compensation for the taking thereof shall remain in Court to be awarded to the true owner by due process of law.

Where more than one claimant.

SEC. 357. Any party feeling aggrieved by any proceedings, orders, or judgments of such Court herein provided for, may appeal to the Supreme Court, as in other cases.

Appeal.

SEC. 358. The City Council shall not have power to appoint

Appoint-
ment of
police.

a greater number of policemen than shall be equal to one for every one thousand of the population of such city. No policeman or member of the fire department shall be removed from office except upon the order and direction of the Mayor, and after charges in writing have been made against him, and evidence upon the same shall have been heard in public in the mode and manner to be prescribed by ordinance.

Supply of
gas and
water.

SEC. 359. All gas and water pipes laid in any paved, macadamized, or graded street, must be of sufficient capacity to afford a free supply of gas or water for the estimated necessities of such street, and the district to be supplied by such pipes, for a period of not less than five years from the time of laying the same; which estimate of necessity and capacity shall be made by the City Engineer, and approved by the Council. It shall be the duty of the Council, by ordinance, to prescribe regulations for the laying of gas and water pipes in the public streets.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Duty of
Mayor.

SEC. 370. The Mayor shall preside at all meetings of the City Council, but the Council shall elect a President pro tempore to preside during his absence. He shall communicate to the Council, semi-annually, or oftener if necessary, a general statement of the situation and condition of the city, together with such recommendations relative thereto as he may deem expedient. He shall be vigilant and active in causing the ordinances of the city to be executed and enforced. He shall be the head of police, and shall exercise a supervision and control over the conduct of all subordinate officers, and receive and examine into all complaints preferred against any of them for violation or neglect of duty, and certify the same to the Council. He shall sign all ordinances and contracts made on behalf of the city, and countersign all licenses and warrants on the treasury. He shall keep accounts current with every officer charged with the receipt or disbursement of money, and perform all the duties of an auditor. He shall perform such other duties as may be prescribed by law or ordinance.

Allowance
of demands.

SEC. 371. Every demand upon the treasury, except for the salary of the Mayor, must, before it can be paid, be presented to the Mayor, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the Mayor, or of the City Council, or of any other Board or officer, of any demand which upon the face of it appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the Treasurer or other disbursing officer for paying the same. The demand of the Mayor for his salary

shall be audited and allowed by the President pro tempore of the City Council.

SEC. 372. The Chief of Police shall execute, within the city, and return all process issued and directed to him by the City Justices, or either of them, arrest all persons guilty of a breach of the peace, or of a violation of any ordinance of the Council, and take them before the proper magistrate within the city; and do and perform such other duties as may be prescribed by ordinance, or may be required by the Mayor.

Duty of Chief of Police

SEC. 373. The records kept by the Street Superintendent of the city, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Effect of records of Street Superintendent.

SEC. 374. The Street Superintendent shall keep a public office in some convenient place, to be designated by the City Council, and such records as may be required by law. He shall superintend and direct the cleaning of all the sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, and perform all duties required by law or ordinance of such city.

Office of Street Superintendent.

SEC. 375. It shall be the duty of the Street Superintendent to see that the laws, orders, and regulations relating to the public streets and highways are fully carried into execution, and that the penalties therefor are regularly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and ground of the city, as may be prescribed by the Council; and should he fail to see the laws, orders, and regulations relative to the public streets and highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of such neglect.

Duty of Street Superintendent.

SEC. 376. If, in consequence of any graded street or public highway, improved under the provisions of this chapter, being out of repair, and in a condition to endanger persons or animals passing therein, any person while carefully using such street or public highway, and exercising ordinary care to avoid such danger, suffer damage to his person, or if any animals or other property, being lawfully ridden, driven, or conveyed through such street or public highway be injured, lost, or destroyed through any such defect therein, no recourse for damages thus suffered shall be had against the city; but if such defect in such street or public highway shall have existed for a period of twenty-four hours or more, after notice to the Street Superintendent, then the Street Superintendent, and also all other officers through whose official negligence such defect shall have remained unrepaired, shall jointly and severally be liable to the party injured for the damages so sustained.

No recourse on city for certain damages.

SEC. 377. The City Council shall have power to appoint

City
Engineer,
appointment
of and
duties.

a City Engineer, and by ordinance to prescribe his duties and fix his compensation, not to exceed eighteen hundred dollars per annum. It shall be the duty of the City Engineer to do the surveying and other work necessary to be done by law or any ordinance of said city, and to survey, measure, and estimate the work done and to be done under contracts for grading streets; and every certificate of work done by him, signed in his official capacity, shall be prima facie evidence in all the Courts of this State of the truth of its contents; he shall also keep a record of all surveys made by him.

Duties of
Treasurer.

SEC. 378. The Treasurer shall receive and pay out all moneys belonging to the city, and keep an account of all receipts and expenditures, under such regulations as may be prescribed by ordinance; he shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and in his capacity as City Clerk he shall keep all the papers and documents belonging to the city, attend the meetings of the Council, and keep a journal of their proceedings, and a record of all their ordinances, and shall do all other things required of him by ordinances.

Reports of
officers.

SEC. 379. It shall be the duty of the several elected and appointed officers of said city, whenever required by the City Council, to make reports to the said Council, and in the manner required of them, and in their reports to embody all the matters and information required pertaining to the duties of their respective offices.

Other
necessary
affairs.

SEC. 380. The City Council may provide by ordinance for the election or appointment of any other officer or officers necessary for the good government of the city, and the proper administration of the public interest, and shall prescribe their duties and terms of office, and fix their compensation.

ARTICLE V.

JUDICIAL DEPARTMENT.

Police Court.

SEC. 390. The judicial power of the city 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.

SEC. 391. 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.

SEC. 392. 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. Jurisdiction.

SEC. 393. 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. Justices inhibited in certain cases.

SEC. 394. 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 arrests 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. Powers of Justices.

SEC. 395. The Police Court shall have a Clerk, to be appointed by the City Council, upon the nomination of the Mayor, who shall hold office during the pleasure of the Council. 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 weekly into the city treasury all fines imposed by said Court. He shall also each month render to the Mayor (as auditor) an exact and detailed account, upon oath, of all fines imposed and collected, and 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 oaths. The Clerk shall remain at the Court-room of said Court during business hours, and during such reasonable times thereafter as may be necessary for discharging his duty. 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 to his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office. Clerk of Court.

SEC. 396. 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 Disposition of moneys.

for fees and costs due the officers of said Court shall be reported to the City Council each month.

Dockets.

SEC. 397. 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. A third docket shall contain all the other business appertaining to the office of said City Justice, and in all cases the docket shall contain all such entries as are required by law to be made in Justices' dockets; and in any case tried before the Court, the docket must show what duties were performed by any officer of the Court, and the amount of the fees due to the officer for such services, and what amount of money, if any, collected.

Court, when open.

SEC. 398. 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. 399. Appeals may be taken from any judgment of said Police Court to the Superior Court of the county in which such city may be situated, in the same manner in which appeals are taken from Justices' Courts in like cases.

Place of imprisonment.

SEC. 400. 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. 401. Said Court shall have a seal to be furnished by the city.

Monthly report.

SEC. 402. 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 to be furnished by the City Council, and in such form as they may require.

Transcripts and warrants.

SEC. 403. Certified transcripts of the dockets, made by the Clerk of said Court, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket; and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

Board of Education.

SEC. 410. The government of the school department of the city shall be vested in a Board of Education, to consist of seven members, to be called School Directors. One School Director shall be elected from each ward at the regular muni-

cipal election, by the vote of the city at large, and shall hold office for the term of four years, and until his successor is elected and qualified; *provided*, that the first Board of Education elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years.

SEC. 411. The Board of Education shall meet on the first Monday after their election and elect one of their number President, and shall hold meetings at least once in each month thereafter at such times as shall be determined by a rule of said Board. A majority of all the members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. The Board shall also have power to fill all vacancies occurring in the Board until the next regular municipal election. Organization.

SEC. 412. The Board of Education shall have sole power: Power of Board.
First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof.

Second—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed, as aforesaid. Employees.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of public schools within the city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text books, courses of study, and mode of instruction shall be used in said schools. Regulation of schools.

Fourth—To provide for the school department of the city, fuel and lights, water, blanks, blank books, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board. Supplies.

Fifth—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and appliances, and to insure any and all such school property. Building and repairs.

Sixth—To receive, purchase, lease, and hold in fee, in trust for the city, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and the benefit of the public schools of the city; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school houses without the consent of four members of the Board of Education and four members To hold property in trust.

of the City Council; and *provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of school houses; and the City Council of the city is hereby authorized and required to make over to said Board of Education, upon application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for the city for the use and benefit of the public schools; and the said Board is hereby authorized to defray all expenses attending the same.

To improve property.

Seventh—To grade, fence, and improve all school lots, and in front thereof to grade, sewer, plank, or pave and repair streets, and to construct and repair sidewalks.

To sue and defend.

Eighth—To sue for any and all lots, lands, and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property.

To estimate money needed.

Ninth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the first Monday in February of each year, submit in writing to the City Council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes, and the amount so found to be required from the city shall, by the City Council, be added to the other amounts to be assessed and collected for city purposes; *provided*, that the amount to be thus assessed for school purposes shall not exceed thirty cents on each one hundred dollars valuation upon the assessment roll, but may be increased to forty cents by consent of two thirds of the City Council, and that when collected it shall be immediately paid into the School Fund, to be drawn out only upon the order of the Board of Education.

Disbursements.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Demands.

Eleventh—To examine and allow, in whole and in part, every demand payable out of the School Fund, or to reject any such demand for good cause.

Incumbrances.

Twelfth—To discharge all legal incumbrances now existing, or which may hereafter exist upon any school property.

Age limit.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

Other acts.

Fourteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in said city.

Oaths on demands.

SEC. 413. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters relating to his official duties.

SEC. 414. All contracts for building shall be given to the lowest bidder therefor offering adequate security, to be determined by the Board, after due public notice published for not less than ten days in one daily paper of the city. Contracts.

SEC. 415. No School Director or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city. All contracts in violation of this section are declared void, and any Director or Superintendent violating or aiding in violating the provisions of this section shall be deemed guilty of misdemeanor, and shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars. No Director or Superintendent to be a party.

SEC. 416. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this chapter. For the purpose of granting the certificates required the Board of Education shall appoint a City Board of Examination. The City Board of Examination shall consist of the School Superintendent and four other persons, residents of such city, at least two of whom shall be experienced teachers. The members of the City Board of Examination shall receive for their services such compensation as may be fixed by the Board of Education. Such City Board of Examination shall have power: City Board of Examiners.

First—To adopt rules and regulations not inconsistent with the laws of this State for its own government, and for the examination of teachers. Rules.

Second—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate. Examination.

Third—To grant city certificates of three grades: Certificates.

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, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in such city.

3. City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in such city.

Fourth—Without examination, to grant city certificates and fix the grade thereof, to the holders of State life diplomas, State educational diplomas, State Normal School diplomas, State University diplomas (when recommended by the Faculty of the University), State certificates, city certificates granted in other cities of this State, and life diplomas, and State Normal School diplomas of other States.

Fifth—To revoke or suspend for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, any certificate granted by them.

SEC. 417. The School Superintendent shall act as Secretary and bookkeeper of the Board of Education, and perform all clerical duties required by such Board. In the absence of the Superintendent, the Board of Education may appoint one of their own number to act as Secretary. The School Superintendent may appoint an assistant at a salary of one Secretary.

hundred dollars per month. The Superintendent may, for a good and sufficient cause, provisionally suspend any teacher employed in the schools of such city until the next meeting of the Board of Education.

Superintendent's reports.

SEC. 418. The Superintendent shall report to the Board of Education annually, and at such other times as they may require, all matters pertaining to the expenditures, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper.

Duty of Superintendent.

SEC. 419. It shall be the duty of the Superintendent to visit and examine each school at least once a month, to observe, and cause to be observed, such general rules for the regulation, and government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board of Education; to attend the sessions of the Board, and inform them at each session of the condition of the public schools, school houses, School Fund, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice on subjects connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

Vacancy.

SEC. 420. In case of vacancy in the office of Superintendent, the Board of Education shall have power to fill the vacancy until the next ensuing municipal election.

School Fund.

SEC. 421. The School Fund of the city shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the City Council of the city for school purposes; of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. If, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this chapter.

School Fund, how expended.

SEC. 422. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

Second—For the erection, alteration, repairs, rent, and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property purchased or leased by said Board.

Fourth—For the insurance of all property.

Fifth—For the discharge of all legal incumbrances on any school property.

Sixth—For lighting school rooms and the offices and rooms of the Superintendent and Board of Education.

Seventh—For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Eighth—For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and Department.

Ninth—For the payment of the salary of the Superintendent and Assistant Superintendent.

Tenth—For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 423. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of said Board, upon a call of the ayes and noes, which shall be recorded, they shall be signed by the President of the Board and by the Superintendent, and be sent to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for salaries shall be paid monthly. Claims.

SEC. 424. All demands authorized by this article shall be paid by the City Treasurer from the School Fund, when the same shall be presented to him, ordered paid, and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the School Fund for such year. Debt not to be in excess of income.

SEC. 425. It shall be the duty of the Auditor of the county in which any such city may be situated, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the Superintendent of Schools of such county, the amount of school moneys at that time in the county treasury, and the amount received during the previous month. The County Superintendent shall, upon receipt of such certificates, indorse upon one of them the amount of such moneys to which the common schools in such city are entitled. The certificate so indorsed shall at once be returned to said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon such certificate to the treasury of such city for the use of the School Fund thereof. Auditor to certify.

SEC. 426. The Treasurer of such county shall thereupon pay to the Treasurer of such city the sum directed by the Auditor as above provided; and when said moneys are placed in such City School Fund, they shall be used in precisely the same manner as moneys raised by city school taxes in such city; *provided*, that the entire revenue derived by such city from the State School Fund, and the State school tax, shall be applied by said Board of Education exclusively to the support of primary and grammar schools. Treasurer to pay.

CHAPTER IV.

MUNICIPAL CORPORATIONS OF THE THIRD CLASS.

(A charter for cities having a population of more than 15,000 and not exceeding 30,000.)

ARTICLE I.

GENERAL POWERS.

Third class. SEC. 500. Every municipal corporation of the third class shall be entitled the City of —— (naming it), and by such name shall have perpetual succession, may sue and be sued in all Courts and places, and all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.

GENERAL PROVISIONS RELATING TO OFFICERS.

City officers. SEC. 501. The government of such city shall be vested in a Mayor; a Common Council, to consist of seven Aldermen; a Board of Education, to consist of seven School Directors; a Police Judge; an Assessor; a Clerk, who shall be ex officio Auditor; a Treasurer; a Superintendent of Streets; a Tax and License Collector; a Water Rate Collector; a City Attorney, and such other and inferior officers as the Common Council may appoint.

Election and tenure. SEC. 502. The Aldermen, Mayor, Police Judge, City Attorney, and Assessor shall be elected by the qualified electors of such city, at a general municipal election to be held therein on the second Tuesday in March, in each even numbered year. The Mayor, Police Judge, City Attorney, and Assessor 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. The members of the Common Council and 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 Common Council elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years; *and provided further*, that the first Board of Education elected under the provisions of this chapter shall, at their first meeting, so classify themselves by lots as that three of their number shall go out of office at the expiration of two years, and four at the expiration of four years.

Other officers appointed. SEC. 503. All other officers, except as otherwise in this chapter provided, shall be appointed by the Common Council, upon the nomination of the Mayor, and shall hold office for the period of two years from and after the date of such

appointment, and until their successors are appointed, elected, and qualified.

SEC. 504. The Common Council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and fix the amount of such bond; and each of such officers shall, before entering upon the duties of his office, execute a bond to such city in such penal sum as the Common Council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex officio incumbent. Such bond shall be approved by the Common Council. All bonds, when approved, shall be filed with the Clerk, except the bond of the Clerk, if any, which shall be filed with the Mayor. All the provisions of any law of this State relating to the official bonds of officers shall apply to such bonds except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the Clerk the constitutional oath of office.

Bonds.

SEC. 505. Any vacancy occurring in any of the offices provided for in this chapter, except in the office of School Director, shall be filled by appointment by the Common Council upon the nomination of the Mayor; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term.

Vacancies.

SEC. 506. The Aldermen and School Directors shall receive no compensation whatever. The annual salaries of other officers shall be as follows: Mayor, twelve hundred dollars; Police Judge, eighteen hundred dollars; Assessor, eighteen hundred dollars; City Attorney, fifteen hundred dollars; Street Superintendent, twelve hundred dollars; Clerk and Auditor, fifteen hundred dollars; Tax and License Collector, twelve hundred dollars; Treasurer, one thousand dollars; Water Rate Collector, twelve hundred dollars; School Superintendent, fifteen hundred dollars; all of which salaries shall be paid monthly.

Compensation.

SEC. 507. All elections in such city shall be held in accordance with the general election law of the State, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided in such city for at least thirty days next preceding such election. The Common Council shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election, and fix their compensation, and establish and change election precincts and polling places; *provided*, that no part of any ward, less than the whole thereof, shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed Great Register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the Board of Election a certificate, under the hand and official seal of the County

Elections.

Clerk, showing that his name is registered and uncanceled upon the Great Register of such county, provided that he is otherwise entitled to vote.

Eligibility to office.

SEC. 508. No person shall be eligible to or hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment; *provided, however,* that the provisions of this section shall not apply to School Superintendents or school teachers. One Alderman and one School Director shall be elected from each ward, and the person so elected must be a resident of the ward from which he is so elected, and continue to be such resident during his term of office, and if he shall fail to so continue a resident of such ward, his office shall, by reason thereof, immediately become vacant.

Free library.

SEC. 509. The Trustees of any free public library created or existing in such city under the provisions of an Act entitled "An Act to establish free public libraries and reading rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the Council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said Act to the contrary notwithstanding.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Common Council; meetings.

SEC. 520. The Common Council shall meet on the Monday next succeeding the date of said general municipal election, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the Mayor, or by three Aldermen, by written notice delivered to each member at least three hours before the time specified for the proposed meeting. All meetings of the Common Council shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

Mayor to preside.

SEC. 521. At any meeting of the Common Council, a majority of the Aldermen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The Mayor shall preside at all meetings of the Council, and, in case of his absence, the Council may appoint a President pro tem.; and in case of the absence of the Clerk, the Mayor or President pro tem. shall appoint one of the members of the Council Clerk pro tem.

Rules.

SEC. 522. The Common Council shall judge of the qualifications of its members, and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the Clerk to keep a correct journal of all their proceedings, and, at the desire of any

member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

SEC. 523. No ordinance, and no resolution or order for the payment of money, for granting any franchise, for lighting or watering streets, or for supplying water for municipal purposes, shall be passed by the Common Council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting; and no ordinance, and no such resolution or order, shall have any validity or effect, unless passed by the votes of at least four Aldermen, and approved by the Mayor; *provided*, that if the Mayor shall neglect or refuse to approve the same within five days, then the same may be passed by the votes of five Aldermen, and shall then take effect as if approved by the Mayor.

Light and water ordinances.

SEC. 524. The Common Council of such city shall have power:

Powers of Council.

First—To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States.

Ordinances.

Second—To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have power to sell or convey any portion of any water front.

Real estate.

Third—To acquire, construct, repair, and manage pumps, aqueducts, reservoirs, and other works necessary or proper for supplying the city with water.

Water supply.

Fourth—To establish, lay out, alter, open, keep open, improve, and repair streets, sidewalks, alleys, bridges, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally manage and control all such highways and places.

Streets.

Fifth—To construct and maintain drains and sewers.

Sewers.

Sixth—To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fire, and to construct and maintain telegraph and telephone lines for fire and police purposes.

Extinguishment of fires.

Seventh—To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years an annual street poll tax not exceeding two dollars; and no other road poll tax shall be collected within the limits of such city.

Poll tax.

Eighth—To impose and collect an annual tax, not exceeding two dollars, on every dog owned or harbored within the limits of the city; and no other dog tax shall be collected within the limits of such city.

Dog tax.

Ninth—To levy and collect annually a property tax, not exceeding one dollar on each one hundred dollars of the assessed value of all real and personal property within such city, which said tax shall be apportioned as follows: For the General Fund, not exceeding fifty cents on each one hundred dollars; for the Road Fund, not exceeding twenty-five cents

Property tax.

on each one hundred dollars; and for the School Fund, not exceeding twenty-five cents on each one hundred dollars; each of which funds shall be kept separate from all others.

Licenses.

Tenth—To license, for purposes of regulation and revenue, all and every kind of business authorized by law, and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Rivers

Eleventh—To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city; to construct and maintain embankments and other works to protect such city from overflow; and to bridge any creek or river so as not to interfere with navigation.

Public Buildings.

Twelfth—To erect and maintain buildings for municipal purposes.

Tracks and pipes

Thirteenth—To permit, under restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other motive power thereon, and the laying of gas and water pipes in the public streets, and the construction and maintenance of telegraph and telephone lines therein.

Ward division.

Fourteenth—To divide the city, by ordinance, into seven wards as nearly equal in population as may be, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered.

Fire Department.

Fifteenth—To establish and regulate a Fire Department and a Police Department, to appoint and remove the officers and employés thereof, and to prescribe their duties and fix and order paid their salaries and compensation.

Subordinate officers.

Sixteenth—To appoint and remove such subordinate officers as they may deem proper, and to fix their duties and compensation.

Imposition of penalties.

Seventeenth—To impose fines, penalties, and forfeitures for any and all violations of ordinances; and, for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five hundred dollars, nor the term of such imprisonment exceed six months.

Prison labor.

Eighteenth—To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

Other acts.

Nineteenth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Enacting clause.

SEC. 525. The enacting clause of all ordinances shall be as follows: "The Mayor and Common Council of the City of — do ordain as follows." Every ordinance shall be signed by the Mayor, attested by the Clerk, and published at least five times in a newspaper published in such city.

SEC. 526. All demands against such city, except for school purposes, shall be presented to and audited by the Common Council, in accordance with such regulations as they may by ordinance prescribe; and, upon the allowance of any such demand, the Mayor shall draw a warrant upon the Treasurer for the same, which warrant shall be countersigned by the Clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

Common Council to audit.

SEC. 527. The Common Council shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; *provided*, that any city during the first year of its existence under this Act, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

No debt in excess of available money.

SEC. 528. If, at any time, the Common Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred; they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in each ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Common Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Indebtedness in excess to be decided by election.

Two thirds vote necessary.

SEC. 529. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of California, or may be redressed by civil action, at

Violation of ordinances.

the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance, may be imprisoned in the city jail; or, if the Common Council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Nuisances.

SEC. 530. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

System of street work.

SEC. 531. The Common Council are authorized and empowered to provide, by ordinance, a system for doing any or all work in or upon the streets, highways, and public places of such city, and for making therein street improvements and repairs, and for doing any or all work authorized by subdivisions four and five of section five hundred and twenty-four of this Act, and for the payment of the cost and expenses thereof, either by the levy and collection of special assessments therefor, in proportion to benefits, upon the property to be benefited thereby, or by payments made out of the Road Fund of such city, or by both; *provided*, that in all cases where more than one half of the expense of any such improvement, except the construction of a sewer or drain, exceeding in amount the sum of one thousand dollars, is to be defrayed by special assessment, the Common Council shall first adopt a resolution, which shall be entered upon their journal, declaring their intention to make such improvement, and fixing a time at which objections to the making of such improvement will be considered. Such resolution shall also designate the boundaries of the district to be affected or benefited by such improvement. Upon adopting such resolution, the Common Council shall give notice of such intention, which notice shall be published for twenty days, in a newspaper printed and published in such city. Such notice shall describe the improvement so proposed to be made, and state the estimated cost thereof, and designate the time set for such hearing, and shall refer to such resolution so entered upon the journal for such description of boundaries. If, at or before the time so fixed, written objections to such improvement, signed by the owners of two thirds in value of the property so to be affected or benefited, as shown by the last preceding city assessment roll, be not filed with the Clerk, the Common Council shall be deemed to have acquired jurisdiction to order the making of such improvement. Any such special assessment made and levied to defray the cost and expenses of any such work, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale

Special assessment.

Publication of notice.

Assessment to constitute a lien.

of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any Court of competent jurisdiction to foreclose such lien; *provided*, that any property sold to satisfy any such lien shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for taxes.

SEC. 532. The Common Council are authorized and empowered to provide by ordinance for the establishing, laying out, extending, and widening streets and other public highways and places within the city, and for taking private property therefor, and for taking private property for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening and straightening the channels of streams, and the improvement of water fronts; but no private property or right of way over or through the same shall be taken without the consent of the owner thereof, until a just compensation for the same shall be ascertained and paid to such owner, or into Court for his use. If the owner of any parcel of land proposed to be taken for any such improvement shall be dissatisfied with the amount of compensation awarded by said Council for the taking of such parcel, he may, within twenty days after the date of such award, commence an action against such city in any Court of competent jurisdiction within the city, township, or county, to recover such amount of compensation as he may consider himself entitled to. The amount of compensation ascertained and awarded in such action shall be deemed and taken to be the amount of compensation to which such person will be entitled if such improvement be made. If such person fail to recover in such action a greater amount of compensation than was so awarded by said Council, he shall not recover costs, but shall pay costs to such city. Any owner of or person interested in any such parcel of land, who shall fail to commence such action within the time herein limited, shall be deemed to have waived his right in that behalf, and to have assented to and ratified the award of said Council. The Common Council shall not acquire jurisdiction to exercise any of the powers hereinbefore in this section enumerated, until a petition in writing therefor is first presented to said Council, signed by at least twenty inhabitants of said city, taxable therein for municipal purposes. Such petition must describe generally the street, highway, or public place proposed to be laid out or established, or the proposed alteration by widening or extending the same, or by widening or straightening the channels of streams, or by the improvement of water fronts; or if a right of way is sought for drains, sewers, or aqueducts, such petition shall describe the proposed route for the same. Such petition shall be heard at a regular meeting of the Council, notice of such hearing being given by the Clerk by publication in a newspaper published in such city, for a period of three weeks before such hearing. Such notice shall be deemed to give said Council full jurisdiction over the sub-

Right of way.

Dissatisfied owner may sue.

Jurisdiction by petition.

ject-matter, and over the person of every owner of or person interested in any parcel of land to be taken or assessed for any such improvement; and every person interested, from and after the expiration of such publication, shall be deemed to have notice of all subsequent proceedings; *provided*, that nothing herein contained shall be construed to prevent such Council from giving such other or further notice as they may deem proper. At the time fixed in such notice, or at such time to which such hearing may be postponed, the Council shall proceed to hear and determine the prayer of such petition pursuant to such rules and regulations as may be prescribed by such ordinance. Such system, so established by ordinance, may provide for the payment of such compensation, either by the levy and collection of special assessments therefor, in proportion to benefits upon the property to be affected or benefited by any such improvement, or by payments made out of the Street Fund, or River and Water Front Improvement Fund of such city, or by both. Any such special assessment made and levied to provide means for the payment of any such compensation and the cost of ascertaining the same, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any Court of competent jurisdiction to foreclose such lien; *provided*, that any property sold to satisfy any such lien shall be subject to redemption within the time and in the manner provided or that may hereafter be provided by law for the redemption of property sold for taxes.

Hearing of
petition.

Foreclosure
of lien.

Taxes and
tax sales.

SEC. 533. The Common Council shall have power and it shall be their duty to provide by ordinance for the assessment, levy, and collection of all city taxes, which shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first Monday in March in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any Court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this

chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes.

SEC. 534. No money shall be expended or drawn out of the Street Fund for any but street and sewer purposes, and no money shall be expended or drawn out of the School Fund for any but school purposes. Whenever any city organizing under this Act has a bonded indebtedness contracted or issued under any law of this State, all the provisions of such laws in regard to the levying, collection, and disposition of taxes and revenues for the payment of such indebtedness and the interest thereon, shall continue in force, and the taxes levied and revenues raised for the payment of the interest and principal of such indebtedness shall be in addition to the taxes provided by section five hundred and twenty-four of this Act, and the Common Council of said city, organizing under this Act, is hereby authorized and empowered to levy and collect such taxes and apportion such revenues for the payment of such indebtedness and interest, in addition to the limit of taxation hereinbefore prescribed in this Act; and nothing in this chapter shall be construed to prevent any city from levying and collecting the tax authorized by the Act entitled "An Act to establish free public libraries and reading rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses and from fines, penalties, and forfeitures, shall be paid into the General Fund.

Laws concerning indebtedness to continue in force.

SEC. 535. The Common Council may also levy and cause to be collected, in each year, in addition to the taxes herein authorized to be levied and collected, a tax, not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation, the proceeds of which tax shall be known as the "River and Water Front Improvement Fund," and shall be applied to the improvement of streams, bays, and water fronts, the erection of embankments and other works to protect the city from overflow, and the construction of works of drainage, and for no other purposes whatever.

River improvement.

SEC. 536. 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 water fronts, or in or about embankments or other works for protection against overflow, or in furnishing any supplies or materials for the same, when the expenditures required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance; *provided*, that the Common Council, or Board of Education, may reject all bids presented, and readvertise, in their discretion; *and provided further*, that in case of any great and unforeseen calamity or emergency the Common Council, by a resolution, unanimously adopted and approved by the Mayor, may dispense with the foregoing provisions of this section, the reason for such action being

Public work to be done by contract.

Public
printing.

entered on their minutes. The Common Council 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. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Mayor.

SEC. 550. The Mayor shall be at the head of the executive department of the city. It shall be his duty to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to have the general supervision of the police department; to receive and examine into all complaints preferred against any officer, and to certify the same to the Common Council; to administer and certify oaths and affirmations in any and all matters and proceedings pertaining to the city; to preside at all meetings of the Common Council; and to perform such other duties as are or may be prescribed by law or ordinance.

Clerk.

SEC. 551. It shall be the duty of the Clerk to keep a true and correct record of all the proceedings of the Common Council, and to countersign all warrants; to keep accounts current with every officer charged with the receipt or disbursement of money; to keep the seal of the city and affix the same to all instruments requiring such seal; to perform the duties required of him by the next section; to report to the Common Council on the first Monday of each and every month a full and detailed statement of the receipts and disbursements of the treasury during the preceding month, and the state of each particular fund, which statement shall be verified by his oath; to administer and certify oaths and affirmations; to perform such duties in and about the assessment, levy, and collection of taxes and assessments as may be prescribed by law or ordinance; to appoint deputies; and to perform such other and further duties as the Common Council may by ordinance prescribe.

Treasurer.

SEC. 552. It shall be the duty of the Treasurer to receive, upon the order of the Clerk, all moneys due or belonging to the city, for which he shall give his receipt, which receipt shall be filed with the Clerk by the person making such payment, and the Clerk shall give to such persons his receipt therefor, which receipt shall be the only evidence of payment. He shall pay all warrants drawn by authority of and in accordance with law. He shall perform such duties in the collection of taxes or assessments as are or may be prescribed by law or ordinance. He shall, on the first Monday of each and every month, present to the Common Council a full and detailed statement of the amount of money belonging to the city received by him, and by him disbursed during the preceding month, and the state of each particular fund, which statement shall be verified by his oath. He may appoint deputies by and with the consent of the Common Council,

and shall perform such other duties as are or may be prescribed by law or ordinance.

SEC. 553. The Common Council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the duties of all officers, and fix their compensation. Compensation, how fixed.

ARTICLE V.

JUDICIAL DEPARTMENT.

SEC. 560. The judicial power of the city shall be vested in a Police Court, to be held by the Police Judge of such city. Said Police Court shall have jurisdiction, concurrently with the Justices' Courts, of all criminal actions and proceedings arising within the corporate limits of such city, and which might be tried in such Justices' Courts; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Police Court shall be the same as are or may be prescribed by law for Justices' Courts in like cases; and appeals may be taken to the Superior Court of the county in which such city may be situated from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justices' Courts. Said Court shall be a Court of record. Police and Justices' Courts.

SEC. 561. The Police Judge shall be Judge of the Police Court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations and take and certify acknowledgments. Police Judge.

SEC. 562. In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of his sickness or inability to act, the Mayor may call in a Justice of the Peace residing in the city to act in the place and stead of the Police Judge; or if there be no Justice of the Peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any Justice of the Peace residing in the county in which such city may be situated. When disqualified.

SEC. 563. The Common Council shall appoint, upon the nomination of the Mayor, a Clerk for said Police Court. Said Clerk shall keep the records of said Court and the seal thereof, and perform such other duties as may be required of him by law or ordinance. He shall receive a salary of one hundred dollars per month. The Council shall also provide a seal for said Police Court. Clerk of Court.

ARTICLE VI.

SCHOOL DEPARTMENT.

SEC. 570. 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. Board of Education.

- Vacancies.** SEC. 571. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.
- Meetings.** SEC. 572. The Board of Education shall meet on the second Tuesday after such general municipal election, and choose one of its members as President, and another as Vice-President. Its regular meetings shall thereafter be held as often as twice in each month, and the time and place for holding such meetings shall be fixed by a rule of said Board. 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. Four members shall constitute a quorum, and no business shall be transacted by said Board of Education without the concurrence of four of its members; but a majority of the members present at any meeting may adjourn from time to time. All meetings of said Board of Education shall be public, and full records of its proceedings shall be kept by the School Superintendent, who shall be ex officio Clerk of said Board of Education.
- Powers of Board.** SEC. 573. The Board of Education shall have power:
To maintain schools. *First*—To establish and maintain public schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions.
- Superintendent.** *Second*—To appoint a School Superintendent, who shall hold office during their pleasure, and to prescribe his duties, and fix his compensation.
- Employés.** *Third*—To employ and dismiss teachers, janitors, truant officers, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.
- Regulation of schools.** *Fourth*—To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this State, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.
- Supplies.** *Fifth*—To provide for the school department of such city fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.
- Building and repairs.** *Sixth*—To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.
- Real estate.** *Seventh*—To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; *provided*, that no real estate shall be bought, sold, or exchanged, nor

any expenditure incurred for the construction of new school houses, without the approval of the Common Council; *and provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to school purposes.

Eighth—To grade, fence, and improve all school lots.

Improvement.
To determine moneys needed.

Ninth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board of Education shall, at least ten days before the meeting of the Common Council at which the annual city taxes are levied, submit in writing to the Common Council a careful estimate of the whole amount of money to be received from the State and county, and of the amount to be required from such city for the above mentioned purpose; and the amount so found to be required from the city shall, by the Common Council, be added to the other amounts to be assessed and collected for city purposes, and when collected, the proceeds thereof shall be immediately paid into the School Fund of such city, to be drawn out only upon the order of the Board of Education; *provided*, that such annual tax shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within such city.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the School Fund.

Disbursement regulations.

Eleventh—To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

Incumbrances.

Twelfth—To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of such city, upon the payment, monthly, in advance, to the Treasurer of such city, for the School Fund, of such tuition fee as said Board may establish.

Admission of non-residents.

Thirteenth—To prohibit any children under six years of age from attending the public schools.

Age limit.

Fourteenth—To establish and regulate the grades of schools in such city, and the course of study, and the mode of instruction to be pursued therein, and to determine what text-books shall be used.

Grades and text-books.

Fifteenth—To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred.

Other acts.

SEC. 574. The Board of Education may sue and be sued by their name of office. In any action or judicial proceeding against said Board, service of process upon the President, or upon a majority of the members of the Board, shall be sufficient to give the Court jurisdiction to hear and determine the same.

Board may sue.

SEC. 575. All moneys received by the Treasurer of the county wherein such city may be situated, on account of the School Fund of such city, or the school district consisting of the same, and all sums received into the county treasury, which may be apportioned to said city or district, shall be paid to the Treasurer of such city by the Treasurer of such

County Treasurer to pay over.

county, as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary.

Powers of
President.

SEC. 576. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the School Fund, and in all other matters relating to the duties of the Board of Education, and to witnesses examined in any investigation had by such Board of Education, or by a committee thereof, duly appointed by it for that purpose.

Same.

SEC. 577. Said President may issue subpoenas under his hand and the seal of such city, attested by the City Clerk, to compel the attendance of witnesses before such Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the Superior Court of the county in which such city may be situated.

Claims.

SEC. 578. Every claim payable out of the School Fund shall be filed with the Clerk of the Board of Education, and after it shall have been approved by the Board, a certificate of such approval shall be indorsed thereon, signed by the President and Clerk; and a warrant upon the School Fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the President of such Board, and countersigned by the Clerk, and shall specify for what purpose the same is drawn.

Entire
revenue for
schools.

SEC. 579. The entire revenue derived by such city from the State School Fund and the State school tax shall be applied by said Board of Education exclusively to the support of primary and grammar schools.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

Moneys
collected.

SEC. 590. Every officer collecting or receiving any moneys belonging to or for the use of such city, shall settle for the same with the Clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the Clerk, for the benefit of the funds to which such moneys respectively belong.

No officer to
be interested
in contracts.

SEC. 591. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

CHAPTER V.

MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

(A charter for cities having a population of more than 10,000 and not exceeding 15,000.)

ARTICLE I.

GENERAL POWERS.

SEC. 600. Every municipal corporation of the fourth class ^{Fourth class.} shall be entitled the City of — (naming it), and by such name shall have perpetual succession, may sue and be sued in all Courts and places, and in all proceedings whatever, and shall have and use a common seal, and the same alter at pleasure; may purchase, receive, have, take, hold, lease, use, and enjoy property of every name or description, and control and dispose of the same for the common benefit.

ARTICLE II.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 601. The officers of such city shall consist of a Mayor, ^{Officers.} twelve Councilmen, a Collector, who shall also be Street Commissioner, an Assessor, Treasurer, City Clerk, Police Judge, City Attorney, Chief of Police, Superintendent of Public Schools, and two School Trustees for each ward; and whenever a free public library and reading-room is established therein, five Trustees thereof; and the Council may also provide for the election, by the voters of said city, or by said Council, of a Superintendent of Irrigation. The City Council may also elect a City Surveyor, Harbormaster, Poundkeeper, and City Jailer, and whenever a paid fire department shall be established in such city, a Chief Engineer, and one or more Assistant Engineers, and any other officer necessary to carry out the provisions of this chapter, and for whose election or appointment no provision is made, and may by ordinance prescribe the duties of all city officers, and fix their compensation, subject to the limitations herein contained.

SEC. 602. On the first Tuesday after the first Monday of November of each odd numbered year, a municipal election shall be held, at which the qualified voters of such city shall elect one School Trustee for each ward, and six Councilmen, to be voted for by the wards they may respectively represent, and each to hold office for the term of four years, and until the qualification of his successor; and also a Mayor, an Assessor, a Collector and Street Commissioner, City Attorney, Police Judge, Chief of Police, and Superintendent of Public Schools, who shall each hold office for two years, and until the qualification of a successor; *provided*, that at the first election held after the organization of such city under this Act, such city shall elect two School Trustees for each ward, and twelve Councilmen, who shall, at the first meeting of the City Council and Board of Education, respectively, decide by lot their terms of office; six of said Councilmen, and one ^{Election under this Act.}

half of the number of School Trustees, to hold for the term of four years, and the others for the term of two years, and in each case until the qualification of their successors.

Provisions concerning elections.

SEC. 603. The City Council shall call all city elections, designate the time and place of holding the same, giving at least ten days' notice thereof, and shall appoint one Inspector or Clerk, and two Judges of Election, for each ward or election precinct in such city, who shall appoint two Clerks, and all shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county elections. All provisions of law regulating elections for State and county officers, not conflicting herewith, shall apply to elections under this chapter. The polls for all city elections shall be open at eight o'clock A. M., and continue open until five o'clock P. M., the same day. If any officer so appointed shall fail to attend, those attending, with the electors assembled, shall fill their places by others from the qualified electors present.

Returns.

All returns of city elections shall be made out and signed by the officers of such election in the usual form, and deposited with the City Clerk within two days after the election. The persons having the plurality of the votes cast for each of the respective offices voted for shall be declared elected. No person shall vote at any city election unless he shall be an elector for State and county officers, and shall have actually resided within such city, and in the precinct where he may offer to vote, thirty days preceding such election; *provided*, that any elector who may remove from one precinct to another within thirty days prior to such election, may, if a qualified voter therein at the time of removal, vote in the precinct from which he may have moved. If any person not having the legal qualifications of an elector at any city election shall fraudulently vote, or attempt to vote, or knowingly hand in two or more ballots folded together, or shall vote, or attempt to vote, more than once at the same election, such person or persons, on conviction thereof, shall be fined in any sum not less than twenty nor more than five hundred dollars, or be imprisoned in the county jail for any period not more than three months, or may be punished by both such fine and imprisonment.

Fraudulent voting.

City Council to canvass vote.

SEC. 604. On the Monday following the election, the City Council shall convene and publicly canvass the result, and shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the City Council shall thereafter, at its first regular meeting, decide by vote between the parties which shall be elected. If the City Council from any cause fail to meet on the day named, the Mayor shall call a special meeting of said Council within five days thereafter, and in addition to the notice provided for calling special meetings, shall publish the same on two successive days in some newspaper published in such city. If the Mayor fail to call said meeting within said five days, any four Councilmen may call it. At such special meeting all elections, appointments,

or other business may be transacted that could have been on the day first herein named.

SEC. 605. Each officer of such city shall take the oath of office, and such as may be required to give bond, file the same, duly approved, within ten days after receiving notice of his election or appointment, or if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed; but if any one, either elected or appointed to office, fail for ten days to qualify as required by law or to enter upon his duties at the time fixed by law or the orders of the City Council, then such office shall become vacant; or if any such officer shall absent himself from such city continuously for ten days without the consent of the City Council, or shall openly neglect or refuse to discharge his duties, such office may be by the City Council declared vacant; *provided*, that the penalty for absence from the city shall not apply to such officers as serve without salary or other compensation. Such officers as are elected by the voters of the city shall enter upon their duties on the first Monday of January next succeeding the date of their election; such officers as are appointed or elected by the City Council shall enter upon their duties within ten days after receiving notice of their appointment or election.

Office, when vacant.

SEC. 606. When any vacancy occurs in any elective office, except the Mayor, the City Council may fill the same for the unexpired term, except in case of City Councilmen, or School Trustees, which shall be filled until the next city election, and until the qualification of a successor. The City Council may, upon written charges to be entered upon their journal, after notice to the party, and after trial, by a vote of two thirds of all the members elect, remove any officer.

Unexpired term.

SEC. 607. It shall be the duty of the City Council to provide for the accountability of the City Assessor, Treasurer, Clerk, Police Judge, Collector and Street Commissioner, City Attorney, and all other officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties. If such security should be or become insufficient, additional security may be required, and if not given within ten days the Council, by a vote of two thirds of the members, may declare the office vacant, and may thereafter fill the same.

Official bonds.

SEC. 608. The Mayor, Councilmen, and School Trustees shall not receive any salary or compensation for their services; *provided*, that members of the City Council, or a committee thereof for that purpose appointed, may receive for their services, while acting as a Board of Equalization, a sum to be determined by the Council, not to exceed for each one five dollars per day, for each day while actually so engaged, for two weeks in each year, and no longer.

Compensation.

SEC. 609. The Collector and Street Commissioner shall receive a salary, to be fixed by the City Council, which shall not exceed the sum of fifteen hundred dollars per annum.

Street Commissioner.

SEC. 610. The City Council shall have no power to allow

No additional compensation.

Ward division.

any extra or additional compensation to that in this chapter expressly authorized to any officer for the rendition of services that the City Council have power to require the officer to perform by virtue of his office.

SEC. 611. In case any such city shall, at the time of its organization under this Act be divided into wards, such divisions shall continue, but the City Council may, at any time not within three months previous to an annual city election, change the boundaries of such wards, or divide it into others, not exceeding six in number; *provided*, that such change shall not affect the term of office of any Councilman or School Trustee, but they shall serve out their term for the ward in which their residence may be; but if more reside within any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the Council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the City Council shall be as near as may be in proportion to its population, but each ward shall have two School Trustees.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

City Council.

SEC. 620. The Mayor and Councilmen of the several wards shall constitute the City Council, and at its first meeting in January next after a city election, shall elect a City Clerk, City Treasurer, and one of their own body as President of the City Council, and at any time when the Mayor and President are both absent may elect a President *pro tem.*, who shall act during such absence. They shall also, at such time, designate the number of policemen for such city, to be elected as hereinafter provided.

Meetings.

SEC. 621. A majority of the Councilmen elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and they may compel the attendance of absent members. The Council may punish their members for disorderly conduct, and upon written charges to be entered on their journal, for such conduct, after trial, may expel a member by a vote of two thirds of all the members elected. The Mayor shall have a vote only in case of a tie in the votes of the other members. They shall determine their rules of proceeding and the qualification of members. The sittings of the Council shall be open to the public, except where the interests of the city shall require secrecy. A journal of all their proceedings shall be kept by the Clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question shall be taken and entered upon the journal.

Powers of Council.

SEC. 622. The City Council shall have power and authority to make and pass all bylaws, ordinances, orders, and resolutions not repugnant to the Constitution of the United States, or of the State of California, or the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in said body corporate, and for carrying

into effect the provisions of this chapter; to fix and collect a license tax on and to regulate theaters, melodeons, balls, concerts, dances, and all theatrical, melodeon, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, bowling alleys, exhibitions, or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, barrooms, banks, brokers, manufactories, livery stable keepers, express companies, and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who shall have an agency therein; to license and regulate auctioneers; to license, regulate, tax, prohibit, or suppress all tippling houses, dramshops, saloons, bars, barrooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; to prohibit or suppress, or to license and regulate all dance houses, fandango houses, cock fights, dog fights, or any exhibition or show of any animal or animals; to license and tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property; and to license or suppress runners for steamboats, railroads, taverns, or hotels; and to fix and collect a license tax upon all occupations and trades, and all and every kind of business authorized by law, not heretofore specified; *and provided*, that in the business of selling intoxicating drinks, wines, ales, and beers, in less quantities than one quart, or to be drunk on the premises where sold, and on any other business, trade, or calling not provided by law to be licensed for State and county purposes, the amount of license shall be fixed at the discretion of the City Council, as they may deem the interests and good order of the city may require; also to prevent and restrain any riot or riotous assemblage, disturbance of the peace, or disorderly conduct, in any place, house, or street in the city; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing, or maintaining the same; to establish, maintain, and regulate a common pound for estrays, and to appoint a Poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits, or any parts thereof; and to regulate or prevent the keeping of such animals within any part of the city; to control and regulate slaughter houses, wash houses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein; to establish, alter, and repair city prisons, and to provide for the regulation

License tax.

Discretion as to amount.

Nuisances.

of the same, and for the safe keeping of persons committed thereto; to provide for the care, feeding, and clothing of the city prisoners; to provide for the formation of a chaingang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants; to prohibit and suppress all gaming, and all gambling or disorderly houses, and houses of ill-fame, and all immoral and indecent amusements, exhibitions, and shows; to establish and regulate markets and market places; to fix and regulate the speed at which railroad cars may run within the city limits, or any portion thereof; to provide for and regulate the commons of the city; to regulate and prohibit fast driving or riding in any portion of the city; to regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters; to have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control, or improve; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city; to establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city; *provided*, that nothing in this chapter shall be construed to authorize the said City Council to disband or discontinue the fire department of any city having, at the time of its organization under this Act, a volunteer fire department organized and existing, or to create, establish, and maintain a paid fire department therein, without first submitting the proposition of establishing a paid fire department for such city to the legal voters thereof, at a general city election, for decision, and not after such election, unless thereat a majority of all the votes cast at such election are in favor thereof; and in the event that any time hereafter the volunteer fire department of such city shall be disorganized or disbanded, and a paid fire department established in its stead, then every person who shall have been an active fireman for the space of two years next before the date of such disbanding and establishing, shall be entitled to and shall receive an exempt fireman's certificate, and such certificate shall entitle the person to whom it is issued to all benefits and immunities accorded by the laws of this State in regard to exempt firemen; to institute and perfect any and all measures and means for the prevention or extinguishment of fires; to establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; to adopt, enter into, and carry out means for securing a supply of water for the use of such city or its

Gambling.

Fire Department.

Exempt firemen.

inhabitants, or for irrigating purposes therein; to prevent the overflow of the city, or to secure its drainage; to provide for the numbering of houses; to establish a Board of Health; to prevent the introduction and spread of disease; to establish a City Infirmary, and provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments, and prohibit them within the city limits; to build, alter, improve, keep in repair, and control the water front; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing of steamboats, sail vessels, rafts, barges, and all other water craft; to fix the rate of speed at which steamboats and other steam water craft may run along the water front of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourse; to clear out and excavate sloughs and other watercourses or channels; to license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon; to license ferries and bridges under the law regulating the granting of such license; to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto, or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed, for any offense, the amount of five hundred dollars, or three months imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the City Council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the people of the State of California; to create and establish a city police; to prescribe their duties and their compensation, and to provide for the regulation and government of the same; to provide for conducting elections and establishing election precincts, when necessary; to examine either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city; to make all appropriations, contracts, or agreements for the use or benefit of the city, and in the city's name; to provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of either thereof, and for the construction, regulation, and repair of sidewalks, and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or

Sanitary regulations.

Wharves and bridges.

Police Department.

Streets.

owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof; to clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city, when not declared by law to be navigable; to adopt, provide for, establish, and maintain a general system of sewerage, or drainage, or both, and the regulation thereof, the expense thereof to be borne by general taxation upon the taxable property and inhabitants of and in such city; to provide funds for the purpose aforesaid, and to determine manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established with funds derived from general tax, and compel compliance with and conformity to such general system of sewerage, or drainage, or both, and the regulations of said Council thereto relating, by the infliction of suitable penalties and forfeitures against person and property, or either, for non-conformity to or failure to comply with the provisions of such system and regulations, or either; to provide for all public buildings, public parks, or squares, necessary or proper for the use of the city; to permit the use of the streets for railroad purposes; to order paid any final judgment against such city; but none of its lands, or property of any kind or nature, taxes, revenues, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever; to regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and prescribe his term of office, and the fees he shall receive for his services; *provided*, that such fees shall, in all cases, be paid by the parties requiring such service.

Sewerage.

City property cannot be levied upon.

Indebtedness not to exceed means in the treasury.

Council to audit demands.

SEC. 623. The City Council shall not create, audit, allow, nor permit to accrue any debts or liabilities above the actual revenue and available means in the treasury that may be legally apportioned for such purpose, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there shall be sufficient money in the treasury justly applicable to meet the same.

SEC. 624. All accounts and demands that shall lawfully arise against the city shall be submitted to the City Council, and, if found correct, shall be allowed, and an order be made that the demand be paid; upon which (if there be funds in the treasury as in the preceding section provided) the Clerk shall draw a warrant, which shall be countersigned by the President of the City Council, upon the Treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what fund it is to be paid, and the Treasurer shall pay the same out of the proper fund. All accounts and demands against such city, other than such as are chargeable to or payable out of the School Fund, must be presented to the City Council, duly itemized, and accompanied with an affidavit of the party, or his agent, stating the same to be a true and legitimate claim against such city for the full amount for which the same is presented, and that the same accrued as set forth,

and with all necessary and proper vouchers, within one year from the date the same accrued; and any claim or demand not so presented within the time aforesaid shall be forever barred, and said Council shall have no authority to allow any account or demand not so presented in manner and time as aforesaid, nor shall any action be maintained against such city for or on account of any demand or claim against the same, until such demand or claim shall have first been presented to the City Council for action thereon.

SEC. 625. The annual expenses of such city shall not exceed the sum of one hundred thousand dollars; *provided*, however, the moneys authorized to be raised and expended for the payment of the funded or bonded indebtedness of such city, and for school purposes in such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of said annual expense. If, at any time after the sum of one hundred thousand dollars shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the City Council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to meet the same. At any time within ten days after the expiration of said publication, the City Council shall order an election, giving ten days notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the City Council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied and collected upon the basis of the last municipal assessment, and shall make the proposed expenditures; *provided*, that the special tax thus to be levied shall, for no one year, be more than one per cent of the valuation of real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form, and ways prescribed for the levying and collection of the general taxes of such city; and as a security for their payment a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order, and every person, firm, or corporation against whom a tax be thus assessed, shall be personally liable to pay the amount to such city. Said lien shall continue until such taxes are paid, or the property become vested in a purchaser under a sale thereof.

Limitation of expenditure.

Excess of limit to be decided by vote.

Special and general tax levy similarly collected.

SEC. 626. Every appropriation or payment of money made or ordered by the City Council, in excess of said sum of one hundred thousand dollars, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal, and void, and shall

Excessive expenditure void.

be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the City Council who shall have voted for the same shall be individually, jointly, and severally liable for such excess, and it may be recovered from them in any Court of competent jurisdiction, by the party or parties with whom they have contracted, or by the city, if payment has been actually made.

Public streets.

SEC. 627. All the streets in such city that have been or shall hereafter be laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authority of such city, and declared to be public streets, and that have been or shall hereafter be used as such, shall be and are hereby declared public streets to the extent that the same may have been or shall hereafter be used, laid out, or dedicated.

Contracts for work and materials.

SEC. 628. All contracts for work to be performed, or materials to be used, ordered by or for such city, or in which it is interested, may be, and when the cost exceeds five hundred dollars, shall be let to the lowest bidder. A notice, signed by the Clerk, soliciting sealed proposals, shall be published a reasonable time, in no case less than ten days, prior to the time fixed for opening such bids. Such notice shall designate the work to be done, and the place and the time in which it may be performed, with such other specifications as may tend to give the bidders a knowledge of the object to be accomplished, and with a reference to the diagram or specifications on file in the Clerk's office. On the day limited in said notice for the opening of said bids, the Council, or a committee therefor appointed, shall, in open meeting, open and declare said bids and award the contract to the lowest responsible bidder; *provided, however,* that the City Council, or its committee, may reject all bids when considered too high or uncertain from any circumstances. The Council or committee may, before considering any offer, require security that the party will enter into a contract if awarded to him; and all contracts shall be in writing, and accompanied with a bond satisfactory to the Mayor. No officer of such city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions hereof shall be void.

Improvement of public highways.

SEC. 629. The City Council is authorized and empowered to establish, lay out, alter, open, improve, and repair streets, avenues, sidewalks, alleys, bridges, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees along the lines thereof or therein, and generally to manage and control all such highways and places.

SEC. 630. The City Council shall have the power to provide by ordinance for doing any or all work in or upon the

streets, avenues, highways, and public places of such city, and for making therein street improvements and repairs, or for the preservation thereof, and for doing any or all work thereupon or therein authorized by this chapter; and for the payment of the cost and expenses thereof by the levy and collection of special assessments therefor upon the property to be affected or benefited thereby. That is to say, the expense or cost of any work or improvement upon the streets, avenues, or public ways of such city shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited sufficient to cover the total expense of the work to the center of the street on which it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways, shall be paid by such city. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be provided for by such city, but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinbefore provided. When any work or improvement mentioned in this section is done or made on one side of the center line of said streets, avenues, or public ways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter.

Apportionment of expense.

SEC. 631. The style of the city ordinances shall be as follows: "The Mayor and City Council of the City of — do ordain as follows;" and all ordinances shall be published in one or more of the newspapers published in the city.

Enacting clause.

SEC. 632. Bylaws and ordinances shall be passed by the City Council and approved by the Mayor, or the President of the City Council acting in his stead. But before any bylaw or ordinance shall have any binding validity, it shall be published in one or more newspapers published in the city, and recorded in the record book to be kept by the Clerk. The Clerk shall certify on the record the fact of publication, and so certified the record shall be prima facie evidence of the passage thereof, and may be read as evidence of the bylaw or ordinance, and its publication. A printed copy of any ordinance or bylaw, or a compilation thereof, printed by authority of the City Council, and attested by the Clerk, shall be evidence thereof in same manner and with like effect.

Publication of ordinances.

SEC. 633. All orders of the City Council, to have force and legal validity, shall be entered on the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

Entry on journal.

SEC. 634. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

Ayes and noes.

Majority
necessary.

SEC. 635. A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance imposing any assessment, tax, or license, or in anywise increasing or diminishing the city revenue.

Free library.

SEC. 636. The Trustees of any free public library, created or existing in such city under the provisions of an Act entitled "An Act to establish the public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the City Council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said Act to the contrary notwithstanding.

ARTICLE IV.

TAXATION.

Tax levy.

SEC. 640. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city, taxable for State purposes, not exceeding one per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they shall each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed, as follows:

First—To pay the interest on said bonds;

Second—To a fund for the payment of the principal thereof; and,

Third—To meet any indebtedness, as aforesaid, not funded.

And the City Council, in making said levy, shall estimate the proportion requisite for each fund, and the same shall be expended, under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if, by reason of extension of territory, or from any cause, a portion only, or a certain district of such city be liable, under said laws and charters, for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city, liable in each case for the payment of such indebtedness, or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes, whatever amount of money may be requisite for the support of free public schools therein, including high

Only persons
and property
liable to be
taxed.School and
library levy.

schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll in any one year, and may, in like manner, raise by tax a fund for the establishment and maintenance of a free public library and reading-room; such tax not to exceed, in any one year, the rate of ten cents on each one hundred dollars valuation.

SEC. 641. It shall be the duty of the City Assessor to prepare, between the first day of January and the first Monday in April, in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this chapter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvements of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Equalization mentioned in this chapter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. He shall receive a salary, to be fixed by the City Council, which shall not exceed five hundred dollars per annum.

Duty of
Assessor.

SEC. 642. The City Council, or a committee of their number selected for that purpose by the City Council, at a meeting thereof to be held on the first Monday of April of each year, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list to the City Clerk, and after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify and change such valuation in any way they shall deem just and proper; *provided, however*, that before making any change in any assessment, the Board shall notify the person interested by letter, deposited in the Post Office, or express, post paid, and addressed to such person, at least three days before action taken, of the day fixed when the matter will be investigated; *provided further*, that no reduction must be made in the valuation of property, unless the party affected thereby, or his agent, makes and files with the

Equaliza-
tion.

Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said Board shall have power to administer oaths and affirmations in the matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

Clerk to
complete.

SEC. 643. After the Board of Equalization shall have completed their duties, the City Clerk shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Clerk shall, on the first Monday of May thereafter, deliver it to the City Council.

Levy of the
tax.

SEC. 644. On the first Monday in May in every year the City Council, by an ordinance, shall levy upon all the property in the city taxable by law for State purposes, a tax for school purposes, and for the current and general expenses of the city, and in conformity to the provisions of this chapter, shall levy any and all other taxes by law directed then to be levied or assessed; and, in conformity with the provisions of this chapter, shall levy a tax for the payment of the funded debt upon the property liable therefor. Every tax so levied is made a lien, which shall attach on said day in each year to and against all real property assessed for the amount assessed against it; and if said property be assessed to a wrong person, or by a wrong name, said lien shall in nowise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid, or the property has absolutely vested in a purchaser under and by reason of a sale for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof from and after the time of the levy of such tax. The fiscal year shall begin on the first day of January; and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the State.

List to be
delivered to
Collector.

SEC. 645. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the City Clerk shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the City Clerk shall certify to its correctness, and on or before the third Monday of May thereafter deliver it to the City Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

Collection.

SEC. 646. The Collector, on receiving the assessment list certified by the Clerk, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this chapter, the City Collector shall have such powers as are given by the revenue laws of this State to Collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of official business on

the third Monday of June shall be deemed delinquent, after which time the Collector shall receive no money for taxes; and he shall, on said day, enter upon assessment roll a levy upon all property therein assessed the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the City Clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

SEC. 647. On the third Monday in June of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the Collector must collect thereon, for the use of the city, an addition of five per cent. Delinquen-
cies.

SEC. 648. On the first Monday in July of each year, the City Collector must deliver to the City Clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property. Delinquent
list.

SEC. 649. The City Clerk must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the City Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll; and must require from him the Treasurer's receipt for the full amount of taxes collected. Verification.

SEC. 650. After settlement with the City Collector, as prescribed in the preceding section, the City Clerk must charge the City Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified, to such City Collector. Certifica-
tion.

SEC. 651. On or before the third Monday in July of each year, the City Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended and with it published a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the City Collector's office, and not less than fourteen nor more than twenty-one days from the first publication. Publication.

SEC. 652. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto, published in such city, and when such publication is completed, and before commencing the sale, the City Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy Collector to
certify.

of the same, that the publication was made in a newspaper, or a supplement thereto, stating the name and place of publication; such affidavit shall be prima facie evidence of all the facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

Additional amount.

SEC. 653. The City Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, one half of which must go to the city, and the other to the City Collector, in full for preparing the list.

Sale.

SEC. 654. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the City Collector, between the hours of ten o'clock A. M. and three P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

Postponement.

SEC. 655. He may postpone the day of commencing the sale, or the sale, from day to day; but the sale must be completed within two weeks from the day first fixed.

Owner may designate portion.

SEC. 656. The owner or person in possession of any real estate offered for sale for taxes due thereon, may designate, in writing, to the City Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or the possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the City Collector for the duplicate certificate of sale, is the purchaser.

Duplicate certificate.

SEC. 657. After receiving the amount of the taxes and costs, the City Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

Delivery.

SEC. 658. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder.

Record of sales.

SEC. 659. The City Collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

Lien vested in purchaser.

SEC. 660. On filing the certificate with the County Recorder, the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the City Treasurer for his use, of the purchase money and fifty per cent thereon.

SEC. 661. A redemption of the property sold may be made

by the owner, or any party in interest, within twelve months Redemption.
from the date of the purchase.

SEC. 662. On receiving the certificate of sale, the Recorder Records of redemption.
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 City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 663. If the property is not redeemed within the time Purchaser's deed.
allowed by law for its redemption, the City Collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall be entitled to receive from the purchaser three dollars for making such deed.

SEC. 664. The matters recited in the certificate of sale What the deed proves.
must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

First—The property was assessed, as required by law.

Second—The property was equalized, as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold, as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 665. Such deed, duly acknowledged or proved, is Deed is evidence of regularity.
(except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 666. The assessment roll or delinquent list, or a copy Assessment roll a guaranty of regularity.
thereof, certified by the City Clerk, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 670. The Mayor shall be the chief executive officer Duties and powers of Mayor.
of the city. He shall have a general supervision over the several departments of the city government, and over all its interests, shall preside over the City Council when present, once in three months submit a general statement of the condition of its various departments, and recommend to the

City Council such measures as he may deem expedient for the public good, or improvement of the city, its finances, or government. He shall sign all ordinances passed by the City Council, if he approves them; if he does not approve, he shall, within eight days after its submission to him, return the same to the City Clerk's office, with his objections in writing, and at the first meeting of the City Council thereafter the same shall be entered upon their journal, and they shall then reconsider such ordinance, and unless two thirds of the Councilmen elect vote for its passage, it shall not become a law. If the Mayor shall not so return any ordinance within eight days, it shall become a law as if he had signed it. He may call special meetings of the City Council at any time; he shall do so at the written request of four Councilmen, by notifying each member personally, or by a written notice left at his last and usual place of abode, or at his place of business during business hours, stating the purpose of such meeting.

President of
Council.

SEC. 671. The President of the City Council shall preside at all its meetings, when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or he is absent from the city, or unable, from any cause, to discharge the duties of his office, the President shall act as Mayor and exercise all his authority and be subject to his duties. He shall countersign all warrants and licenses issued under and by authority of the city, but in his absence or inability to perform said duty, the Mayor, or if he is absent or unable to perform said duty, the President pro tem., or if none has been elected, the Chairman of the Finance Committee may sign the same.

Deputies.

SEC. 672. The Chief of Police, City Attorney, City Assessor, City Clerk, and City Collector and Street Commissioner may each, with the approval of the City Council, only appoint such deputies as may be necessary, by writing, to be filed with the Clerk. Each deputy so appointed shall receive for his services a compensation to be fixed by the City Council, not exceeding one hundred dollars per month, and shall perform such duties under the direction of his principal as may by said Council be prescribed. The principals shall be each responsible for his deputy, and may revoke the appointment at pleasure.

Chief of
Police.

SEC. 673. The Chief of Police shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum, to be determined by the City Council.

Treasurer.

SEC. 674. The City Treasurer shall receive a salary which shall not exceed the sum of three hundred dollars per annum, to be determined by the City Council.

Duties of
Treasurer.

SEC. 675. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to such city, from whatever source derived, to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the City Council, and in accordance with the provisions made by them and the School Fund, by the direction of the Board of Education under the provisions of

this chapter, and to make a report monthly to the City Council of the condition of the treasury.

SEC. 676. It shall be the duty of the Clerk of the city ^{Clerk.} to keep the corporate seal and all papers and documents belonging to the city; to file them in his office, under appropriate heads; to attend the sittings of the City Council, and to keep a journal of their proceedings and records of all their bylaws, resolutions, and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the City Council, and to affix the corporate seal on such licenses; to keep an accurate account in a suitable book, under the appropriate heads, of expenditures of all orders drawn upon the City Treasurer, and all warrants issued in pursuance thereof; also, to keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted, and the sums paid therefor, and to perform such other duties as he may be required to perform by the provisions of this Act, or by ordinance. He shall receive for his services a salary to be fixed by the City Council, not exceeding the sum of one hundred dollars per month.

SEC. 677. It shall be the duty of the City Assessor ^{Assessor.} to prepare the assessment rolls, lists, and books, and to make the assessment of persons and property in said city as required by this chapter; also, to make and present all assessments for improvement of streets, or other work of like character. He shall receive a salary, to be fixed by the City Council, not exceeding five hundred dollars per annum.

SEC. 678. The City Collector and Street Commissioner ^{Collector and Commissioner.} shall collect all taxes, assessments, licenses, wharfage rates, and all other moneys or dues owing, accruing, belonging, or coming to said city, and the same shall pay over monthly to the City Treasurer, unless otherwise ordered by the City Council. He shall regulate the landing and stationing of all steamers, vessels, boats, or other water craft, and shall make report to the City Council each month. As Street Commissioner, he shall have the general supervision of all streets, public squares, levees, wharves, sloughs, drains, waterways, bridges, sidewalks, crosswalks, and public buildings, and shall superintend all work, repairs, or improvement thereof or thereon. At the request of the Street Committee of the City Council, he shall make report to them of any of his doings; and shall do and perform all such other duties as may be required of him by ordinance of the City Council. As Street Commissioner of such city, he is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized in this chapter, and to do any other act, either expressed or implied, that pertains to the Street Department under this chapter. He shall fix the time for the performance of the work under all contracts entered into by him, in accordance with the notice given by the Council; and may extend the time so fixed, from time to time, under the direction of said Council. All work upon the streets, avenues, or in the matter of sidewalks, or bridges, or in the improvement of the public buildings, squares, and

places of said city provided for in this chapter, or under the orders or ordinances of the City Council of such city, must in all cases be done under the direction and to the satisfaction of the Street Commissioner, and the materials used shall be such as are required by said Commissioner, in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice that in no case, except when it is otherwise provided in this chapter, will the city be liable for any portion of the expense, and where such expense is defrayed by assessments, in no case for any delinquency of persons or property assessed.

Police force. SEC. 679. The police force of such city shall consist of the Chief of Police, and such number of policemen as shall from time to time be fixed and determined by the City Council.

Police, Commission to elect. SEC. 680. The policemen of such city shall be elected by a Police Commission, to consist of the Mayor, Chief of Police, and the Police Judge; and such policemen shall hold office from and after their election to and including the second Monday in January next ensuing after a regular city election, unless sooner removed for cause.

Trial Commission. SEC. 681. The President of the City Council, the Chairman of the Finance Committee, and the Chairman of the Street Committee of the City Council, shall constitute a Police Trial Commission, and such Commission shall have power, under rules of procedure to be prescribed by ordinance of such city, to receive, hear, try, and determine all complaints against policemen of such city for violation of official duty, or of any rule, regulation, bylaw, or ordinance of such city, and shall have power in such behalf to condemn or acquit, reprimand, suspend, or remove any policeman.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Police Court. SEC. 690. A Police Court is hereby established in such city, which Court shall always be open, except upon non-judicial days, and upon such days may transact criminal business only.

Jurisdiction. SEC. 691. The Police Court of such city shall have jurisdiction of the following public offenses, committed within such city:

First—Petit larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine, not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, loud, or disorderly persons.

Fifth—Of all proceedings for violation of any ordinance of said city, both civil and criminal; of any and all suits to

recover taxes, general or special, levied in such city for city purposes; and of all suits to recover any assessment levied in such city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit. Jurisdiction.

Sixth—Of an action for the collection of money due to such city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Seventh—Of an action for the breach or violation of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to or for the benefit or in behalf of such city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars.

Eighth—Of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

Ninth—Of an action for the collection of any license required by any ordinance of the city.

Tenth—The Police Court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no Justice of the Peace in such city shall have power to try and decide any cases of the classes mentioned in said section; *provided*, that any Justice of the Peace of such city who may be designated in writing by the Mayor, or President of the City Council thereof, for the purpose, shall have power to preside in and hold the Police Judge's Court of said city in the cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judge. When
Justice of
the Peace
may preside.

SEC. 692. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in cases of a criminal prosecution for the violation of a city ordinance, as well as in case of the violation of the criminal law of the State; Powers of
Judge.

also, all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all criminal trials before the Police Judge for the violation of a city ordinance, as well as in cases of a violation of the criminal law of the State, made triable before such Court; the defendant shall be entitled, if demanded by him, to a jury trial, but a trial by jury may be waived by the defendant in all such cases, and upon such waiver the Court shall proceed and try the case.

Dockets.

SEC. 693. The City Council shall furnish, for the use of the Police Court, two dockets; one shall be styled the City Criminal Docket, in which all the criminal cases shall be recorded, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and each case shall be properly indexed, and in all cases the dockets shall contain all such entries as are required by law to be made in the Justice's docket; and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

Appeals.

SEC. 694. Appeals from the Police Court may be taken to the Superior Court of the county in all cases cognizable by the said Police Court, and such appeals shall be taken as in case of appeal from a Justice's Court.

City and
District
Attorney.

SEC. 695. The City Attorney of such city shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section six hundred and twenty-two of this Act, both in the Police Court and on appeal therefrom to the Superior Court, but the District Attorney shall attend and conduct all proceedings of the nature of a preliminary examination before said Police Court.

Incarceration.

SEC. 696. In all cases when the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the City Council, if not, then until said Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail, and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police, shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail

shall be by the City Council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 697. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants, and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity, in any part of this State, as though issued or done by any Court of record of this State. Seal.

SEC. 698. The Police Judge shall, on the last Saturday of each month, make to the City Council a full report of all the cases tried in his Court for that month, in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month. Judge's report.

SEC. 699. The City Council of such city shall allow to the Police Judge an annual salary which shall not exceed the sum of fifteen hundred dollars, and to the Chief of Police and the several policemen of such city each a salary which shall be fixed by said Council. The salaries of the Police Judge, and Chief of Police, and policemen, shall be paid from time to time as other city officers, and as the Council may determine. The Chief of Police, or any policeman of such city, is hereby authorized and empowered to serve, execute, and return any and all warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which, in criminal cases, any Constable of the county may lawfully do, and receive like fees for such services; *provided*, the City Council may, in their discretion, deduct the amount so received for fees from the monthly salary of such officers, or order the same paid into the city treasury for the use and benefit of the city, as received by said officers respectively; *provided*, that nothing in this charter shall be construed as authorizing or entitling such officers to charge or receive from such city, or the county wherein situated, any fees or costs in any case whatever, nor shall such city or county be liable to pay any fees or costs to such officers for any service they may render in any action or proceeding either civil or criminal. The Chief of Police shall attend the session of the Police Court when required, supervise and direct the police force of the city, and perform such other duties as may be required by the City Council. Salaries.
Fees may be deducted

appertaining to the government of the city or the management of its affairs, not especially devolved upon some other officer named in this chapter; and the Chief of Police, or any policeman, at his discretion, shall serve all notices by this chapter provided to be served, in which the city is in any way interested, and the return of the officer serving shall be evidence of the facts in such return stated, but none of such officers shall serve or execute any civil process, except as provided in this chapter.

Service of notices.

Powers of Justices. SEC. 700. The Justices of the Peace in and for the township embracing such city shall have the same powers as the same officers in any Justice's Court of the county, and shall have and may exercise like powers and authority; *provided, however,* that no Justice of the Peace in such city shall have power to conduct or try and decide any proceedings or cases of the classes mentioned in section six hundred and twenty-two of this Act; but nothing in this section shall be construed to prevent any of the Justices in said city from acting as Police Judge.

Interested party not disqualified. SEC. 701. The interest which any inhabitant of such city may have in a penalty for the breach of a bylaw or ordinance of such city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty.

ARTICLE VII.

SCHOOL DEPARTMENT.

Board SEC. 710. The Board of Education of such city shall be elected as in this chapter provided, and shall consist of one Superintendent and two Trustees from each ward in the city.

Superintendent. SEC. 711. The Superintendent shall be ex officio President of the Board of Education, and shall receive for his services a salary to be fixed by the Board of Education, which shall not exceed nine hundred dollars per annum. He shall report to the City Council annually, on or before the first Monday in January, and at such other times as they may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper, and shall, at the regular meeting of the Board of Education in the month of June of each year, submit to the Board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, apparatus, stationery, and such other articles, materials, or supplies, including books for indigent children, as may be necessary for the use of the city schools and the Board for one year following. He shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, or other matters relating to his official duties.

Advertisement for supplies. SEC. 712. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, advertise for the space of five successive days in some newspaper published in such city, for sealed proposals for furnishing the articles in said statement speci-

fied. Said advertisement shall designate a day after the expiration of the publication aforesaid when said proposals will be considered, at which time the Board, or a committee thereof by the Board for such purpose designated, shall meet and publicly open and declare the proposals received, and shall thereupon award the contract therefor to the lowest responsible bidder or bidders, in each case; *provided*, that all bids may be rejected if deemed too high. Said Board may, in their discretion, require a good and sufficient bond with two or more sureties, to be filed by each bidder, in the sum of two hundred dollars, conditioned for the fulfillment of his proposal in case of the acceptance thereof.

SEC. 713. Subject to and in accordance with the directions and provisions of this chapter, the Board of Education shall have full power:

First—To establish and maintain public schools, including high school, and fix and alter the boundaries of the district thereof. Powers of Board.
Establish Schools.

Second—To employ and dismiss teachers, janitors, and other necessary help, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid. Employés.

Third—To make, establish, and enforce all necessary and proper rules and regulations not contrary to law, for the government and progress of the public schools within the city, the pupils therein, and the teachers thereof, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what course of study and mode of instruction shall be used in said schools. Regulation of schools.

Fourth—To build, alter, repair, rent, and provide school houses, and the same furnish with lights, water, proper school furniture, apparatus, and school appliances, and to insure any and all school property. Building and repairs.

Fifth—To receive, purchase, lease, and hold in fee, in trust for such city, any and all real estate; and to hold in trust any personal property that may have been or may hereafter be acquired for the use and benefit of the public schools of such city. Real estate.

Sixth—To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank, or pave and repave, and to construct and repair sidewalks. Improvements.

Seventh—To sue for any and all lots, lands, and property belonging to or claimed by the said school department; and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases. Legal privileges.

Eighth—To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation on the assessment roll, to be raised upon the real and personal property within the city not exempt from tax- To determine amount of money needed.

ation, for the establishment and support of free public schools therein; and for carrying into effect all the provisions of law regarding public schools, and the amount so determined by said Board of Education shall be reported in writing to the City Council on or before the first Monday of April of each year; and the said City Council are hereby authorized and required to levy and cause to be collected at the time and in the manner of levying other city taxes, the amount of taxation so determined and reported to them by the said Board of Education, as school tax, upon all taxable property in the city; and said tax shall be in addition to all other amounts levied for city purposes.

Disburse-
ment.

Ninth—To establish regulations for the just and equal disbursement of all moneys belonging to the "Public School Fund."

Demands.

Tenth—To examine and allow, in whole or in part, every demand, payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

Incum-
brances.

Eleventh—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Age limit.

Twelfth—To prohibit any child under six years of age from attending the public schools.

Other acts.

Thirteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Fund not to
be diverted.

Fourteenth—To use and apply the School Fund of the city for the purposes in this section heretofore named, and for no other purpose whatever.

Non-
residents.

Fifteenth—To admit non-resident children to any of the departments of the schools of such city upon the payment, at such time as said Board may direct, of tuition fee, to be fixed by said Board.

Board of
Examina-
tion.

SEC. 714. No teacher shall be employed in any of the public schools of such city without having a certificate of the proper grade, issued under the provisions of this chapter. For the purpose of granting certificates required, the Board of Education, either as a body or by a Board of Examination appointed by said Board of Education, and of which the Superintendent shall be President, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach. Examinations of teachers must be held semi-annually, at such times as the Board may determine.

Revocation
and renewal.

SEC. 715. The Board may, in its discretion, renew without reexamination the certificate of any person so employed. It shall have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct or incompetency, and shall always have the power to dismiss any and all teachers, and to alter the amount of salary or compensation paid to either or any of them. The Board of Education may also, without examination, grant certificates and fix the grade thereof to the holders of life diplomas, State educa-

tional diplomas, Normal School diplomas, State University diplomas, and to the holders of such State and county certificates as were in full force and effect on the first day of January, eighteen hundred and eighty.

SEC. 716. It shall be the duty of the Board of Education to visit and examine each school at least once each and every month; to observe, and cause to be observed, such general rules for the regulation and government and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

Board must visit.

SEC. 717. The Public School Fund of such city shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys; and if, at the end of the fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall be for any purpose or in any manner whatever diverted or withdrawn from said fund, except as in this chapter provided.

School Fund, how constituted and applied.

SEC. 718. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members of the Board, and certificate of such approval shall be indorsed thereon; whereupon the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be countersigned by the Superintendent. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner without presentation of claims therefor.

Approval of claims.

SEC. 719. All demands authorized by this article, and by the Board approved as aforesaid, shall be paid by the City Treasurer from the School Fund upon the presentation of the warrants therefor; *provided*, that the Board of Education shall not, without the consent of the City Council first had, have power to create any debts or liability in any one year to exceed the actual revenue or available means in the city treasury under the control of the Board, and justly applicable for school purposes for such year.

Payment of demands.

CHAPTER VI.

MUNICIPAL CORPORATIONS OF THE FIFTH CLASS.

(A charter for cities having a population of more than 3,000 and not exceeding 10,000.)

ARTICLE I.

GENERAL POWERS.

Fifth class.

SEC. 750. Every municipal corporation of the fifth class shall be entitled the City of _____ (naming it), and by such name shall have perpetual succession, may sue and be sued in all Courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

ARTICLE II.

GENERAL PROVISIONS RELATING TO OFFICERS.

Officers.

SEC. 751. The government of said city shall be vested in a Board of Trustees, to consist of five members; a Board of Education, to consist of five members; and whenever a free public library and reading-room is established therein, five Trustees thereof; a Recorder, a Treasurer, a City Attorney, a Clerk, a Marshal, an Assessor, and such subordinate officers as are hereinafter provided for.

Election and terms of office.

SEC. 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 Marshal, Assessor, 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 number shall go out of office at the expiration of two years and two at the expiration of four years. The City Attorney shall be appointed by the Board of Trustees, and shall hold office during the pleasure of the Board of Trustees. The Board of Trustees may, in their discretion, appoint a Poundmaster, to hold office during the pleasure of the Board; also a Superintendent of Streets and a City Engineer, 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. 753. The Clerk, Treasurer, City Attorney, and Marshal shall, respectively, before entering upon the duties of their

respective offices, each execute a bond to such city in such penal sum as the Board of Trustees by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex officio incumbent. Such bonds shall be approved by the Board of Trustees. All bonds, when approved, shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the President of the Board of Trustees. All the provisions of any law of this State relating to the official bonds of officers, shall apply to such bonds except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the Clerk the constitutional oath of office.

Official
bonds.

SEC. 754. Any vacancy occurring in any of the offices provided for in this Act shall be filled by appointment by the Board of Trustees; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Board of Trustees is absent from the city for the period of ninety days, unless by permission of the Board of Trustees, his office shall by the Board be declared vacant, and the same filled as in case of other vacancies.

Vacancies.

SEC. 755. The members of the Board of Trustees shall receive no compensation whatever, except while acting as a Board of Equalization. The Clerk, Treasurer, Assessor, Marshal, City Attorney, and Recorder, shall severally receive, at stated times, a compensation to be fixed by ordinance by the Board of Trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the Board of Trustees from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the Boards of Trustees.

Compensation.

SEC. 756. All elections in such city shall be held in accordance with the general election laws of the State, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided in such city for at least thirty days next preceding such election. The Board of Trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election, and fix their compensation, and establish election precincts and polling places, and may change the same; *provided*, that no part of any ward, less than the whole thereof, shall be attached to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed Great Register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote, upon producing and filing with the Board of Election a certificate, under the hand and official seal of the County Clerk, showing that his name is

Election
regulations.

registered and uncanceled upon the Great Register of such county, provided that he is otherwise entitled to vote.

Eligibility
to office.

SEC. 757. No person shall be eligible to or hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment.

Free library.

SEC. 758. The Trustees of any free public library created or existing in such city under the provisions of an Act entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the Board of Trustees in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said Act to the contrary notwithstanding.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Board of
Trustees.

SEC. 760. The Board of Trustees shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number President, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the President of the Board or by three Trustees, by written notice delivered to each member at least three hours before the time specified for the purposed meeting. All meetings of the Board of Trustees shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

Meetings.

SEC. 761. At any meeting of the Board of Trustees, a majority of the Trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The President of the Board shall preside at all meetings of the Board, and, in case of his absence, the Board may appoint a President pro tem.; and in case of the absence of the Clerk, the President or President pro tem. shall appoint one of the members of the Board Clerk pro tem.

Rules.

SEC. 762. The Board of Trustees shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the Clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

Limitation
on passage of
ordinances.

SEC. 763. No ordinance and no resolution granting any franchise for any purpose shall be passed by the Board of Trustees on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting,

nor without being first submitted to the City Attorney. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three Trustees.

SEC. 764. The Board of Trustees of such city shall have power:

First—To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States. Powers of Board.
Ordinances.

Second—To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years, for the purpose of erecting bath houses thereon. City real estate.

Third—To contract for supplying the city with water for municipal purposes. Water.

Fourth—To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein; and generally to manage and control all such highways and places. Public highways.

Fifth—To establish, construct, and maintain drains and sewers. Sewers.

Sixth—To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires. Fire extinguishment.

Seventh—To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax. Poll tax.

Eighth—To impose and collect an annual license, not exceeding two dollars on every dog owned or harbored within the limits of the city. Dog tax.

Ninth—To levy and collect annually a property tax, which shall be apportioned as follows: For the General Fund, not exceeding forty cents on each one hundred dollars; for Street Fund, not exceeding thirty cents on each one hundred dollars; for School Fund, not exceeding twenty cents on each one hundred dollars; and for Sewer Fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city. Property tax.

Tenth—To license, for purposes of regulation and revenue, all and every kind of business, including the sale of

Liquor tax. intoxicating liquors, authorized by law, and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

**River
improve-
ment.**

Eleventh—To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

Twelfth—To erect and maintain buildings for municipal purposes.

**Tracks and
pipes.**

Thirteenth—To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph and telephone lines therein.

**Ward
division.**

Fourteenth—In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the Board of Trustees shall designate by ordinance the number of Trustees to be elected from each ward, apportioning the same in proportion to the population of such wards; and thereafter the Trustees so designated shall be elected by the qualified electors resident in such ward, or by a general vote of the whole city, as may be designated in such ordinance.

Policemen.

Fifteenth—To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

**Violation of
ordinances.**

Sixteenth—To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

Prison labor.

Seventeenth—To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

Fire limits.

Eighteenth—To establish fire limits with proper regulations.

Other acts.

Nineteenth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws.

**Enacting
clause.**

SEC. 765. The enacting clause of all ordinances shall be as follows: "The Board of Trustees of the City of ——— do ordain as follows." Every ordinance shall be signed by the

President of the Board of Trustees, attested by the Clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein.

SEC. 766. All demands against such city shall be presented to and audited by the Board of Trustees, in accordance with such regulations as they may, by ordinance, prescribe; and, upon the allowance of any such demand, the President of the Board shall draw a warrant upon the Treasurer for the same, which warrant shall be countersigned by the Clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

Board to audit demands.

SEC. 767. The Board of Trustees shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; *provided*, that any city during the first year of its existence under this Act, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided.

Indebtedness not to exceed moneys provided.

SEC. 768. If, at any time, the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appear that not less than two thirds of all the qualified electors in such city shall have voted in favor of incurring such indebtedness, it shall be the duty of the Board of Trustees to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Board of Trustees, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to

Incurring of excess decided at an election.

Two-thirds vote necessary.

the payment of the principal and interest of such indebtedness.

Incarceration.

SEC. 769. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance, may be imprisoned in the city jail, or, if the Board of Trustees by ordinance shall so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Nuisances.

SEC. 770. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Repairs assessed on fronting property

SEC. 771. The Board of Trustees are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways, and public places of such city. The cost and expense incurred therefor shall be paid as follows, to wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares, and other public highways, and places within the city, removing obstructions therefrom; grading, paving, macadamizing, graveling, and curbing the same, and constructing gutters, culverts, and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot, or portion of a lot, being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts, provided that the Board of Trustees may expend from the General Fund for said purposes a sum not exceeding one hundred dollars on any one street in any one year. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings, or crossways at corners or intersection of streets, and the expense of establishing, building, and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid, one fourth by the owner of the lands on one side of said street, one fourth by the owner of the land on the other side of said street, and one half by the city out of the Sewer Fund. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinafter

Expense of sewers.

provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues, or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Said suit shall be in the name of the City of (naming it), as plaintiff. Upon the filing of a complaint in the Superior Court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is had, or the money is paid, to include as costs, the sum of twenty-five dollars as attorney's fees.

Assessment constitutes a lien.

SEC. 772. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the city, or for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams, and the improvement of water fronts, and the Board of Trustees cannot agree with the owner thereof as to the price to be paid, the Trustees may direct proceedings to be taken under section one thousand two hundred and thirty-seven, and following sections, to and including section one thousand two hundred and sixty-three of the Code of Civil Procedure, to procure the same.

Right of way.

SEC. 773. The Board of Trustees shall have power, and it shall be their duty to provide, by ordinance, a system for the assessment, levy, and collection of all city taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first Monday in March in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any Court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes.

City tax levy.

Equaliza-
tion.

SEC. 774. The Board of Trustees shall meet at their usual place of holding meetings, on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day, until all the returns of the Assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the City Clerk, who shall act as Clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Construction
of Act.

SEC. 775. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected; nor to prevent any city from levying and collecting the tax authorized by the Act entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties, and forfeitures, shall be paid into the General Fund.

Water Front
Fund.

SEC. 776. The Board of Trustees may also levy, and cause to be collected in each year, in addition to the taxes herein authorized to be levied and collected, a tax, not exceeding ten cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation, the proceeds of which tax shall be known as the "River and Water Front Improvement Fund," and shall be applied to the improvement of streams, bays, and water fronts, and the erection of embankments and other works to protect the city from overflow, and for no other purposes whatever.

Public work
to be con-
tracted for.

SEC. 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 water fronts, 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 due notice, under such regulations as may be prescribed by ordinance; *provided*, that the Board of Trustees may reject all bids presented, and readvertise, in their discretion. 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. All advertising shall be done in

a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

SEC. 778. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the City Treasurer, and shall sign all written contracts entered into by said city, as such President or President pro tem. The authority and power of the President pro tem. shall continue only during the day on which he is chosen. The President and President pro tem. shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands. The President or President pro tem. shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The President is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

Signature of contracts and warrants.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SEC. 786. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out said money on warrants signed by the President and countersigned by the Clerk, and not otherwise. He shall make quarterly settlements with the City Clerk. For his compensation he shall be allowed one per cent on all moneys received and paid by him as such Treasurer. He may credit himself with such per cent in his settlements with the City Clerk. Upon each quarterly settlement he shall file a statement of his account with the City Clerk.

Treasurer.

SEC. 787. It shall be the duty of the Assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating County Assessors, except as the same may be otherwise provided in this Act, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath, and shall deposit the same with the City Clerk, on or before the first Monday of August in each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of such city over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the City Clerk. Said Assessor and his deputy shall have power to administer all

Assessor.

oaths and affirmations necessary in the performance of his duties.

Duties of Clerk.

"City Accounts."

Other records.

"Demands and Warrants."

SEC. 788. It shall be the duty of the City Clerk to keep a full true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the City Marshal with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the Marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the Treasurer. He shall also keep a book, marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book, marked "City Attorney's Account," and shall therein charge said City Attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall also keep a book, marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The City Clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the

taxes of the city, and levying of the tax thereon, the City Clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require.

Quarterly statement.

SEC. 789. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He shall receive the delinquent list and receipt therefor; he is authorized to bring suit in the name of such city in the proper Court for the collection of any tax; he shall receive for collecting taxes such per cent on the amount collected as may be provided by ordinance, which said per cent shall be collected of the delinquent taxpayers as provided by ordinance. In case a suit shall be brought in the Superior Court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the said per cent, twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said City Attorney unless collected of the defendant in such suit. Said City Attorney shall receive such other compensation as may be allowed by the Board of Trustees.

Attorney.

SEC. 790. The Department of Police of said city shall be under the direction and control of the City Marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders, and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the Recorder all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the Board of Trustees, except as is herein provided. He shall, at the expiration of any month, pay to the

Marshal.

Duties of Marshal.

City Treasurer all taxes and other funds of said city collected by him during said month. He shall, upon payment of the money, file with the Treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax list, give his receipt for the same to the City Clerk, and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all city licenses, and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the Board of Trustees. He shall, for service of any process, receive the same fees as Constables. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the City Marshal. He may also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require, and shall receive such compensation as shall be fixed by ordinance.

Board to fix compensation.

SEC. 791. The Board of Trustees shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers, and fix their compensation.

ARTICLE V.

SCHOOL DEPARTMENT.

School district.

SEC. 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.

Vacancy in Board.

SEC. 796. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

SEC. 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 another as Secretary. Its regular meetings 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 meetings of said Board of Education shall be public, and full records of its proceedings shall be kept by the Secretary of said Board of Education. The members of the Board of Education shall receive no compensation for their services as School Directors.

SEC. 798. The Board of Education shall have power: Powers of Board.

First—To establish and maintain public schools, and to subdivide the school districts, and to fix and alter the boundaries of such subdivisions. Establish schools.

Second—To employ and dismiss teachers, janitors, truant officers, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred. Employés.

Third—To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this State, for the government and management of public schools within such city, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education. Regulate schools.

Fourth—To provide for the school department of such city, fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board. Supplies.

Fifth—To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property. Building and repairs.

Sixth—To purchase, receive, lease, and hold in fee, in trust for such city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the schools of such city; *provided*, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school houses, without the approval of the Board of Trustees; *and provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots for the erecting of school houses. Real estate.

Seventh—To grade, fence, and improve all school lots. Improvements.

Eighth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board of Education shall, at least ten days before the meeting of the Board of Trustees at which the annual city taxes are levied, submit in writing to the Board of Trustees a careful estimate of the whole amount of money to be received from the State and county, and of the amount to be required from such city for the above mentioned purposes; and the amount so found to be required from the city shall, by the Board of Trustees, be added to the above amounts to be assessed and collected for city purposes, and when collected, the proceeds thereof shall be immediately paid into the School Fund of such city, to be drawn out only upon the order of the Board To estimate moneys needed.

of Education; *provided*, that such annual tax shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within such city.

Disburse-
ment of
fund.
Incum-
brances.

Ninth—To establish regulations for the just and equal disbursement of all moneys belonging to the School Fund.

Tenth—To discharge all legal incumbrances existing at the time of the incorporation of such city, or thereafter, on any school property within such city.

Non-
residents.

Eleventh—To admit non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of such city, upon the payment, monthly, in advance, of such tuition fee as said Board may establish.

Age limit.

Twelfth—To prohibit any children under six years of age from attending the public schools.

Grades.

Thirteenth—To establish and regulate the grades of schools in such city, and the course of study, and the mode of instruction to be pursued therein, and to determine what text-books shall be used.

Other acts.

Fourteenth—To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred.

Board may
sue and be
sued.

SEC. 799. The Board of Education may sue and be sued by their name of office. In any action or judicial proceeding against said Board, service of process upon the President, or upon a majority of the members of the Board, shall be sufficient to give the Court jurisdiction to hear and determine the same.

Treasurer
custodian of
moneys.

SEC. 800. All moneys received by the Treasurer of the county wherein such city may be situated, on account of the School Fund of such city, or the school district consisting of the same, and all sums received into the county treasury, which may be apportioned to said city or district, shall be paid to the Treasurer of such city by the Treasurer of such county, as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary, upon the order of the Board of Education.

Demands.

SEC. 801. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the School Fund, and in all other matters relating to the duties of the Board of Education, and to witnesses examined in any investigation had by such Board of Education, or by a committee thereof, duly appointed by it for that purpose.

President
may compel
witnesses.

SEC. 802. Said President may issue subpoenas under his hand and the seal of such city, attested by the City Clerk, to compel the attendance of witnesses before such Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn, or to answer, by the Superior Court of the county in which such city may be situated.

Warrants.

SEC. 803. Every claim payable out of the School Fund shall be filed with the Secretary of the Board of Education, and after it shall have been approved by the Board, a certifi-

cate of such approval shall be indorsed thereon, signed by the President and Secretary, and a warrant upon the School Fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the President of such Board, and countersigned by the Secretary, and shall specify for what purpose the same is drawn.

SEC. 804. The Secretary shall report to the Board annually, and at such other times as they may require, all matters pertaining to the expense, income, condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules and regulations for the government of and instruction in the schools, not inconsistent with the laws of the State, as may be established by the Board of Education. He shall attend the sessions of the Board, and inform them at each session of the condition of the public schools, school houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and shall perform such other duties as may be required of him by the Board. He shall receive as compensation for his services, payable out of the School Fund, such sum as the Board of Education from time to time may allow.

Duties of Secretary.

SEC. 805. The entire revenue derived by such city from the State School Fund and the State school tax shall be applied by said Board of Education exclusively to the support of primary and grammar schools.

Fund shall not be diverted.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SEC. 806. A Recorder's Court is hereby established in such city, to be held by the Recorder of such city. Said Recorder's Court shall have jurisdiction, concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city, and which might be tried in such Justice's Court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Recorder's Court shall be the same as are or may be prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court of the county in which such city may be situated, from all judgments of said Recorder's Court, in like manner and with like effect as in cases of appeals from Justice's Courts.

Recorder's Court.

SEC. 807. The Recorder shall be Judge of the Recorder's Court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to Justices of the Peace for like ser-

Powers of Recorder as Judge.

vices, except that, for his services in criminal prosecution for violation of ordinances, he shall be entitled to receive only such monthly salary as the Board of Trustees shall, by ordinance, prescribe; which compensation, when once fixed, shall not be altered within two years.

Recorder; when disqualified as Judge.

SEC. 808. In all cases in which the Recorder is a party, or in which he is interested or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Recorder may call in a Justice of the Peace residing in the city, to act in his place and stead; or if there be no Justice of the Peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any Justice of the Peace residing in the county in which such city may be situated.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

Collection of moneys.

SEC. 810. Every officer collecting or receiving any moneys belonging to or for the use of such city, shall settle for the same with the Clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the Clerk, for the benefit of the funds to which such moneys respectively belong.

No officer to be interested in contract.

SEC. 811. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work, or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Nuisances.

SEC. 812. Every act or thing done, or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

CHAPTER VII.

MUNICIPAL CORPORATIONS OF THE SIXTH CLASS.

(A charter for cities and towns having a population of not exceeding 3,000.)

ARTICLE I.

GENERAL POWERS.

Sixth class.

SEC. 850. Every municipal corporation of the sixth class shall be entitled the City (or Town) of — (naming it), and by such name shall have perpetual succession, may sue and

be sued in all Courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city or town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

SEC. 851. The government of such city or town shall be vested in a Board of Trustees, to consist of five members; a Clerk, who shall be ex officio Assessor; a Treasurer; a Marshal, who shall be ex officio Tax and License Collector; a Recorder, to be appointed by the Board of Trustees, and who shall be one of the Justices of the Peace of the township in which said city or town is situated; and such subordinate officers as are hereinafter provided for. Officers.

SEC. 852. The members of the Board of Trustees and the Clerk, Treasurer, and Marshal shall be elected by the qualified electors of said city or town at a general municipal election to be held therein on the second Monday in April in each even numbered year. The Clerk, Treasurer, and Marshal 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 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 elected under the provisions of this Act shall, at their first meeting, so classify themselves, by lot, as that three of their number shall go out of office at the expiration of two years and two at the expiration of four years. The Board of Trustees may, in their discretion, appoint an Attorney, a Poundmaster, a Superintendent of Streets, a Civil Engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said Board. Election and tenure of office.

SEC. 853. The Clerk, Treasurer, and Marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city or town in such penal sum as the Board of Trustees by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex officio incumbent; such bonds shall be approved by the Board of Trustees. All bonds, when approved, shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the President of the Board of Trustees. All the provisions of any law of this State relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the Clerk the constitutional oath of office. Official bonds.

SEC. 854. Any vacancy occurring in any of the offices provided for in this Act shall be filled by appointment by the Board of Trustees; but if such office be elective, such Vacancies, how filled.

appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Board of Trustees is absent from the city for the period of ninety days, unless by permission of the Board of Trustees, his office shall by the Board be declared vacant, and the same filled as in case of other vacancies.

Compensation.

SEC. 855. The members of the Board of Trustees shall receive no compensation whatever. The Clerk, Treasurer, Marshal, and Recorder shall severally receive, at stated times, a compensation, to be fixed by ordinance by the Board of Trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the Board of Trustees from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the Boards of Trustees.

Election provisions.

SEC. 856. All elections in such city or town shall be held in accordance with the general election laws of the State, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided in such city for at least thirty days next preceding such election. The Board of Trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election, and fix their compensation, and establish election precincts and polling places, and may change the same. At any municipal election the last printed Great Register of the county shall be used, and any elector whose name is not upon such printed register shall be entitled to vote upon producing and filing with the Board of Election a certificate, under the hand and official seal of the County Clerk, showing that his name is registered and uncanceled upon the Great Register of such county; *provided*, that he is otherwise entitled to vote.

Eligibility to office.

SEC. 857. No person shall be eligible to or hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Board of Trustees.

SEC. 858. The Board of Trustees shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number President, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the President of the Board, or by three Trustees, by written notice delivered to each member, at least three hours before the time specified for the proposed meeting. All meetings of the Board of Trustees shall be held within the corporate limits of the

city, at such place as may be designated by ordinance, and shall be public.

SEC. 859. At any meeting of the Board of Trustees, a majority of the Trustees shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The President of the Board shall preside at all meetings of the Board, and, in case of his absence, the Board may appoint a President pro tem.; and in case of the absence of the Clerk, the President or President pro tem. shall appoint one of the members of the Board Clerk pro tem. Meetings.

SEC. 860. The Board of Trustees shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the Clerk to keep a correct journal of all their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question, and entered on the journal. Rules.

SEC. 861. No ordinance, and no resolution granting any franchise for any purpose, shall be passed by the Board of Trustees on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three Trustees. Franchises and resolutions to pay money.

SEC. 862. The Board of Trustees of said city shall have power: Powers of Board.

First—To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States. Ordinances.

Second—To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, that they shall not have power to sell or convey any portion of any water front. Real estate.

Third—To contract for supplying the city or town with water for municipal purposes. Water.

Fourth—To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city 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 upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places. Highways.

Fifth—To construct, establish, and maintain drains and sewers. Sewers.

- Fire extinguishment.** *Sixth*—To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.
- Poll tax.** *Seventh*—To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such city.
- Dog tax.** *Eighth*—To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.
- Property tax.** *Ninth*—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 Fund, not exceeding fifteen cents on each one hundred dollars. The levy for all purposes, for any one year, shall not exceed sixty-five cents on each one hundred dollars of the assessed value of all real and personal property within such city.
- Licenses.** *Tenth*—To license, for purposes of regulation and revenue, all and every kind of business authorized by law and transacted or 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.
- Water front improvement.** *Eleventh*—To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.
- Public buildings.** *Twelfth*—To erect and maintain buildings for municipal purposes.
- Trucks and pipes.** *Thirteenth*—To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph and telephone lines therein.
- Violation of ordinances.** *Fourteenth*—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 such imprisonment exceed three months.
- Prison labor.** *Fifteenth*—To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.
- Other acts.** *Sixteenth*—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.
- Enacting clause.** *Sec. 863.* The enacting clause of all ordinances shall be as follows: "The Board of Trustees of the City (or Town) of ——— do ordain as follows." Every ordinance shall be

signed by the President of the Board of Trustees, attested by the Clerk, and published at least once in a newspaper published in such city or town, or printed and posted in at least three public places therein.

SEC. 864. All demands against such city or town shall be presented to and audited by the Board of Trustees, in accordance with such regulations as they may by ordinance prescribe; and, upon the allowance of any such demand, the President of the Board shall draw a warrant upon the Treasurer for the same, which warrant shall be countersigned by the Clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid. Demands.

SEC. 865. The Board of Trustees shall not create, audit, allow, or permit to accrue, any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; *provided*, that any city or town during the first year of its existence under this Act, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided. Indebtedness not to exceed available funds.

SEC. 866. If, at any time, the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purpose for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city or town, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually, by taxation, for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published in such city or town; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Board of Trustees to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city or town, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Board of Trustees, in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a Incurring excess decided by vote.

Two thirds necessary.

separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Incarceration.

SEC. 867. The violation of any ordinance of such city or town shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city or town in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such city or town; or, if the Board of Trustees by ordinance shall so prescribe, in the county jail of the county in which such city or town may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such city or town.

Nuisances.

SEC. 868. Every act or thing done, or being within the limits of such city or town, which is or may be declared by law or by any ordinance of such city or town to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Cost of street work assessed on fronting property.

SEC. 869. The Board of Trustees are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways, and public places of such city or town. The cost and expense incurred therefor shall be paid as follows, to wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares, and other public highways and places within the city or town, removing obstructions therefrom; grading, paving, macadamizing, graveling, and curbing the same, and constructing gutters, culverts, and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full depth thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts; *provided*, that the Board of Trustees may expend from the General Fund for said purposes a sum which, in their judgment, may be necessary. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings, or crossways at corners or intersection of streets, and the expense of establishing, building, and repairing bridges in such city or town, shall be paid by such city or town. The expense incurred in making and repairing sewers in any street shall be paid one fourth by the owner of the lands on one side of said street, one fourth by the owner of the land on the other side of said street, and one half by the city or town out of the Sewer Fund. In all the streets constituting the water front of such city or town, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city or town bounded thereon, shall be paid for by such

Expense of sewers.

city or town; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues, or public highways, the lots or portions of lots fronting on that side, only, shall be assessed to cover the expenses of said work according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Such suit shall be in the name of such city or town as plaintiff. Upon the filing of a complaint in the Superior Court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is had or the money is paid, to include as costs the sum of twenty-five dollars, as attorney's fees.

Assessment to constitute a lien.

SEC. 870. Whenever it shall become necessary for the city or town to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the city or town, or for the purpose of rights of way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams and the improvement of water fronts, and the Board of Trustees cannot agree with the owner thereof as to the price to be paid, the Trustees may direct proceedings to be taken under section one thousand two hundred and thirty-seven and following sections, to and including section one thousand two hundred and sixty-three of the Code of Civil Procedure, to procure the same.

Right of way.

SEC. 871. The Board of Trustees shall have power and it shall be their duty to provide by ordinance a system for the assessment, levy, and collection of all city or town taxes, not inconsistent with the provisions of this chapter, which system shall conform as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to the assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the costs of collection, shall constitute liens on the property assessed, from and after the first Monday in March in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any Court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made upon any sale of property for taxes or special assessments, under the provisions of this chapter, shall have the same force and

Levy of taxes.

effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes.

Equaliza-
tion.

SEC. 872. The Board of Trustees shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the Clerk, who shall act as Clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Construction
of Act.

SEC. 873. Nothing in this chapter contained shall be construed to prevent any city or town having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties, and forfeitures, shall be paid into the General Fund.

Public work
to be done
by contract.

SEC. 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 water fronts, 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 due notice, under such regulations as may be prescribed by ordinance; *provided*, that the Board of Trustees may reject all bids presented and readvertise, in their discretion.

Signature of
warrants
and con-
tracts.

SEC. 875. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the Treasurer, and shall sign all written contracts entered into by said city or town, as such President or President pro tem. The authority and power of the President pro tem. shall continue only during the day on which he is chosen. The President and President pro tem. shall have power to administer oaths and affirmations, and take affidavits and testify the same under their hands. The President or President pro tem. shall sign all conveyances made by said city or town, and all instruments which shall require the seal of the city or town. The President is authorized to acknowledge the execution of all instruments

executed by said city or town, that require to be acknowledged.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SEC. 876. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the Clerk. He shall pay out said money on warrants signed by the President and countersigned by the Clerk, and not otherwise. He shall make quarterly settlements with the Clerk. For his compensation he shall be allowed one per cent on all moneys received and paid by him as such Treasurer. He may credit himself with such per cent in his settlements with the Clerk. Upon each quarterly settlement, he shall file a statement of his account with the Clerk. Treasurer.

SEC. 877. It shall be the duty of the Assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city or town. The mode of making out of said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating County Assessors, except as the same may be otherwise provided in this Act, or by ordinance. Said list shall describe the property assessed, and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath, and shall deposit the same with the Clerk, on or before the first Monday of August of each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of the city or town, over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the Clerk. Said Assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty. Assessor.

SEC. 878. It shall be the duty of the Clerk to keep a full true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City or Town Accounts," in which shall be entered as a credit all moneys received by the city or town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the Marshal with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the Marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a Clerk.
Records of Board.

Other records.

book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city or town with the Treasurer. He shall also keep a book, marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book, marked "Attorney's Account," and shall therein charge said attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned.

Ordinances.

He shall keep a book, marked "Ordinances," into which he shall copy all city or town ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of the city or town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The Clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city or town, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city or town, and the levying of the tax thereon, the Clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city or town, and certify the same without charge. He shall be the custodian of the seal of the city or town. He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city or town for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city or town, which shall be published. He shall

Demands and warrants.

Deputy.

Statements.

perform such other services as this Act and the ordinances of the Board of Trustees shall require.

SEC. 879. It shall be the duty of the attorney to advise the city or town authorities and officers in all legal matters pertaining to the business of said city or town. He shall receive the delinquent list and receipt therefor; he is authorized to bring suit in the name of the city or town, in the proper Court, for the collection of any tax; he shall receive for collecting taxes such per cent on the amount collected as may be provided by ordinance, which said per cent shall be collected of the delinquent taxpayers as provided by ordinance. In case a suit shall be brought in the Superior Court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the said per cent, twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said attorney unless collected of the defendant in such suit. Said attorney shall receive such other compensation as may be allowed by the Board of Trustees.

Attorney.

SEC. 880. The Department of Police of said city or town shall be under the direction and control of the Marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city or town, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the Recorder all breaches or violations of or non-compliance with any ordinance which shall come to his knowledge. He shall collect all taxes levied by the Board of Trustees, except as is herein provided. He shall, at the expiration of any month, pay to the Treasurer all taxes and other funds of said city or town collected by him during said month. He shall, upon payment of the money, file with the Treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the Clerk, and shall, upon depositing with the Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the Board of Trustees. He shall, for service of any process, receive the same fees as Constables. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the Marshal. He may also, with the concurrence of the

Marshal.

Duties.

President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require, and shall receive such compensation as shall be fixed by ordinance.

Compensation fixed by Board.

SEC. 881. The Board of Trustees shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers, and fix their compensation.

ARTICLE V.

JUDICIAL DEPARTMENT.

Recorder's Court.

SEC. 882. A Recorder's Court is hereby established in such city or town, to be held by the Recorder of such city or town. Said Recorder's Court shall have jurisdiction, concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city or town, and which might be tried in such Justice's Court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said Recorder's Court shall be the same as are or may be prescribed by law for Justices' Courts in like cases; and appeals may be taken to the Superior Court of the county in which such city or town may be situated, from all judgments of said Recorder's Court, in like manner and with like effect as in cases of appeals from Justices' Courts.

Powers of Recorder as Judge.

SEC. 883. The Recorder shall be Judge of the Recorder's Court, and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to Justices of the Peace for like services, except that for his services in criminal prosecution for violation of ordinances, he shall be entitled to receive only such fees as the Board of Trustees shall by ordinance prescribe.

Recorder disqualified as Judge in certain cases.

SEC. 884. In all cases in which the Recorder is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Recorder may call in a Justice of the Peace residing in the city or town to act in his place and stead; or if there be no Justice of the Peace residing in the city or town, or if all those so residing are likewise disqualified, then he may call in any Justice of the Peace residing in the county in which such city or town may be situated.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

SEC. 885. Every officer collecting or receiving any moneys belonging to or for the use of such city or town, shall settle for the same with the Clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the Clerk, for the benefit of the funds to which such moneys respectively belong. Collection of moneys.

SEC. 886. No officer of such city or town shall be interested, directly or indirectly, in any contract with such city or town, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of such city or town, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such. No officer to be interested in any public contract.

CHAPTER L.

An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

[Approved March 13, 1883.]

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

SECTION 1. There is hereby appropriated out of any moneys in the State treasury the sum of five thousand dollars per annum, for the care, support, and maintenance of the Mining Bureau, under the provisions of an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty. Mining Bureau.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER LI.

An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

[Approved March 13, 1883.]

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

Hair cutting
for sanitary
purposes.

SECTION 1. Whenever the Board of Health of any city or county, or city and county, or the Board of Supervisors of any county, or the County Physician of any county of this State, shall present or cause to be presented to the Sheriff, or other officer having charge of any county jail or prison in any county or city, or city and county, in this State, a certificate, or order, in writing, to the effect that it is by them, or him, considered necessary for the purpose of protecting the public health, or to prevent the introduction or spreading of disease, or to protect or improve the health of criminals under sentence, that the hair of any criminal or criminals should be cut, the said Sheriff, or other officer, shall cut, or cause to be cut, the hair of any such person or persons in his charge convicted of a misdemeanor and sentenced to a longer term of imprisonment than fifteen days, to a uniform length of one and one half inches from the scalp of such person or persons so imprisoned.

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

CHAPTER LII.

An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

[Approved March 13, 1883.]

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

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

Limit of
official
absence.

853. No officer mentioned in the preceding section must absent himself from the State for more than sixty days, unless upon business of the State, or with the consent of the Legislature.

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

CHAPTER LIII.

An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

[Approved March 13, 1883.]

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

SECTION 1. The following sums are hereby appropriated out of the General Fund in the State treasury, for the following purposes: The sum of ten thousand dollars for providing necessary water and sewerage connections, heating apparatus, and furniture, and for fully completing the building of the Branch Normal School at Los Angeles; the sum of one thousand dollars for the improvement of the grounds about said building. Branch Normal School.

SEC. 2. This Act shall take effect immediately.

CHAPTER LIV.

An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

[Approved March 13, 1883.]

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

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

Section 19. The Judge shall inquire into the ability of insane persons committed by him to the asylum to bear the actual charges and expenses for the time that such person may remain in the asylum. In case an insane person committed to the asylum under the provisions of this Act shall be possessed of real or personal property sufficient to pay such charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians, as far as the same are applicable; and when there is not sufficient money in the hands of the guardian, the Judge may order a sale of property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the Board of Trustees the sum fixed upon by them each month, quarterly in advance, for the maintenance of such ward; and he also shall, out of the proceeds of such sale, or such other funds as he may have belonging to such ward, pay for such clothing as the Resident Physician shall, from

Liability of
kindred.

time to time, furnish such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Trustees, and approved by the Judge, for the faithful performance of the duties required of him by this Act, as long as the property of his insane ward is sufficient for the purpose. If indigent insane persons have kindred of degree of husband or wife, father, mother, or children, living within this State, of sufficient ability, who are otherwise liable, said kindred shall support such indigent insane person to the extent prescribed for paying patients. The Board of Trustees shall furnish such blank bonds as are required by this section, to the several Judges in this State. A breach of any bond provided for in this Act may be prosecuted in the Superior Court of any county in this State in which any one of the obligors may reside, and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout and the judgment enforced, as in a civil action for the recovery of a debt.

Refunding
of moneys

Should there remain in the hands of the Board of Trustees, or their Treasurer, at the time any insane person is discharged, any money unexpended, so paid by the guardian or kindred, the same shall be refunded; *provided*, that the Board of Trustees shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian, or on deposit with the Board of Trustees, or their Treasurer, shall be refunded to the person or persons thereto entitled, on demand. Any moneys found on the person of any insane person at the time of arrest shall be certified to by the Judge, and sent with such person to the asylum, there to be delivered to the Treasurer, to be applied to payment of the expenses of such person while in the asylum; but upon the recovery of such insane person, all sums remaining after deducting such expenses shall be returned to such person when discharged from the asylum.

Contingent
Fund.

All moneys belonging to the State, coming into the hands of the Board of Trustees, other than that appropriated by the State, shall be kept by said Trustees in a separate fund, to be known as a Contingent Fund, and the same shall by the said Trustees be expended at such times and in such manner as to the said Board appears for the best interest of said asylum, and for the improvement thereof, and of the grounds and buildings therewith connected. A full, strict, and itemized account of all such receipts and expenditures shall be included in the biennial report of said Board of Trustees. The kindred or friends of an inmate of the asylum may receive such inmate therefrom, on their giving satisfactory evidence to the Judge of the Court issuing the commitment, that they, or any of them, are capable and suited to take care of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Judge, he may issue an order, directed to the Trustees of the asylum, for the removal of such person; but the Trustees shall reject all other orders or applications for the release or removal of any insane person,

except the order of a Court or Judge on proceeding in habeas corpus; and if, after such removal, it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property by reason of such want of care, he may order such person returned to the asylum.

SEC. 2. This Act shall take effect immediately.

CHAPTER LV.

An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one, division fourth, part one, title two, relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

[Approved March 13, 1883.]

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

SECTION 1. Section three thousand three hundred and forty-one is hereby added to the Civil Code of the State of California, so as to read as follows:

3341. The owner, possessor, or harbinger of any dog or other animal that shall kill, worry, or wound any sheep, Angora or Cashmere goats, shall be liable to the owner of the same for the damages and costs of suit, to be recovered before any Court of competent jurisdiction. Dog and other owners liable.

1. In the prosecution of actions under the provisions of this chapter it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal had knowledge of the fact that such dog or other animal would kill or wound such sheep or goats. Plaintiff need not prove knowledge.

2. Any person on finding any dog or dogs not on the premises of its owner or possessor, worrying, wounding, or killing any sheep, Angora or Cashmere goats, may at the time of so finding said dog or dogs, kill the same, and the owner or owners thereof shall sustain no action for damages against any person so killing such dog or dogs. Trespassing dogs may be killed.

CHAPTER LVI.

An Act for the appropriation of money for the erection of buildings, and improvements, and the purchase of land for the Napa State Asylum for the Insane.

[Approved March 13, 1883.]

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

Appropriation and its distribution.

SECTION 1. The sum of thirteen thousand five hundred dollars is hereby appropriated out of the General Fund in the State treasury, to be paid to the Directors of the Napa State Asylum for the Insane, and to be expended as follows:

To erect a stable and barn, two thousand five hundred dollars.

To plant and improve the grounds, two thousand dollars.

To provide for a system of protection from fire, seven thousand five hundred dollars.

To build a wharf, five hundred dollars.

To purchase five and one third acres of land, one thousand dollars.

Controller to draw warrants.

SEC. 2. The Controller of State shall draw warrants from time to time, as the work progresses, in favor of the Board of Directors of said asylum, upon their requisition for the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVII.

An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872, relating to elections and registration of voters.

[Approved March 13, 1883.]

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

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

Conditions of entry upon register.

1097. No person's name must be entered by the Clerk unless:

1. Upon a certificate of registration in another county, showing that such registration has been canceled, and upon proof by the affidavit of the party that he is an elector of the county in which he seeks to be registered.

2. Upon the returns of the Assessor of the county.

3. If a naturalized citizen, upon the production of his certificate of naturalization, which certificate must be issued ninety days prior to the succeeding election, or upon his own

affidavit that it is lost or out of his possession, which affidavit must state the place of his nativity and the time and place of his naturalization, together with his affidavit that he has resided in the United States for five years, and in this State for one year next preceding the time of application, and that he would be an elector of the county at the next succeeding election; *provided, however*, if such naturalized citizen shall have been previously registered as a qualified elector in any of the counties or city and counties of this State, his name must not be entered by the Clerk unless he produces a certificate of such registration, issued by the party authorized by law to issue such certificate, which certificate shall be prima facie evidence of his naturalization.

Conditions of entry upon register.

4. If born in a foreign country, upon his affidavit that he became a citizen of the United States by virtue of the naturalization of his father while he was residing in the United States and under the age of twenty-one years, and that he is or would be an elector of the county at the next succeeding election.

5. Upon the production and filing of a certified copy of the judgment of a Superior Court directing such entry to be made.

5. In other cases, upon the affidavit of the party that he is or would be an elector of the county at the next succeeding election.

7. In every case the affidavit of the party must show all the facts required to be stated in the entry on the Register, except the date and number of the entry.

CHAPTER LVIII.

An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

[Approved March 13, 1883.]

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

SECTION 1. The Board of Supervisors of any county wherein bees are kept are hereby authorized to appoint one or more persons as Inspectors of Apiaries, to hold office during the pleasure of said Board.

Inspectors to be appointed.

SEC. 2. The Board of Supervisors shall fix and determine the compensation of the Inspectors of Apiaries, to be paid out of the funds of the county not otherwise appropriated.

Compensation.

SEC. 3. Upon complaint being made to the Inspector, to the effect that, in complainant's opinion, the disease known as "foul brood" exists in any apiary in that county, it shall be the duty of such Inspector to inspect such apiary as soon as practicable, and direct the person in charge thereof to

"Foul brood."

destroy all hives ascertained to be so affected, together with the combs and bees therein, by burning or burying the same in the ground the following night.

Owner must
destroy.

SEC. 4. If the owner or person in charge of an apiary, by his own inspection or through any other source, discovers foul brood in any hive in said apiary, it shall be his duty to destroy such hive and contents in the manner provided in section three of this Act.

Penalty.

SEC. 5. Any person failing to comply with the provisions of the last section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars for the first offense, and by a fine of not more than fifty dollars for each subsequent offense.

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

CHAPTER LIX.

An Act to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

[Approved March 13, 1883.]

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

Thirty-fifth
year.

SECTION 1. There is hereby levied, and the State Board of Equalization must, for State purposes, for the thirty-fifth and thirty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property of this State as, after allowing twelve per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code of the State of California, will raise for the thirty-fifth fiscal year:

First—For the General Fund, one million seven hundred thousand three hundred dollars.

Second—For the School Fund, one million three hundred thousand dollars.

Third—For the Interest and Sinking Fund, three hundred and one thousand nine hundred dollars.

Thirty-sixth
year.

And for the thirty-sixth fiscal year:

First—For the General Fund, one million six hundred and sixty-seven thousand two hundred dollars.

Second—For the School Fund, one million three hundred thousand dollars.

Third—For the Interest and Sinking Fund, three hundred and one thousand nine hundred dollars.

SEC. 2. This Act shall take effect immediately.

CHAPTER LX.

An Act to authorize the Governor of the State of California, to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California, under the agricultural college grant of one hundred and fifty thousand acres.

[Approved March 13, 1883.]

WHEREAS, Under and by virtue of an Act donating public lands to the several States and Territories of the United States for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, and amendments thereto, the Regents of the University of California, acting under and in conformity with an Act of the Legislature of the State of California entitled "An Act to create and organize the University of California," approved March twenty-third, eighteen hundred and sixty-eight, did select as a part of said grant, certain lands which were duly listed to the State by the United States—and it now appearing that it is to the interest of the University of California to secure the cancellation of said selections, it is therefore necessary to reconvey to the United States said lands, and thereby secure the right to select other lands instead thereof; therefore,

Preamble

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

SECTION 1. The Regents of the University of California are authorized and required to report to the Governor of the State of California a description of such of the lands granted to the State of California by authority of the Act of Congress of July second, eighteen hundred and sixty-two, and amendments thereto, and listed to the State of California, that should be reconveyed to the United States.

Regents to report.

SEC. 2. Whenever the report provided for in the first section of this Act shall have been received by the Governor, he may and is authorized in the name and by the authority of the people of the State of California to grant and reconvey to the United States such lands as may be embraced and described in said report.

Governor to reconvey.

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

CHAPTER LXI.

An Act to amend section two thousand one hundred and thirty-seven of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

[Approved March 13, 1883.]

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

SECTION 1. Section two thousand one hundred and thirty-seven of an Act entitled an Act to establish a Political Code, approved March 12, 1872, is hereby amended so as to read as follows:

Duties of
Directors
prescribed.

2137. The powers and duties of the Board of Directors of the Insane Asylum are as follows:

1. To make bylaws not inconsistent with the laws of the State for their own government, and the government of the asylum.

2. To hold stated meetings at the asylum for the transaction of business on the first Monday of each month.

3. To keep a record of their proceedings, open at all times to the inspection of any citizen.

4. To elect a Medical Superintendent, two Assistant Physicians, and a Treasurer.

5. To provide on the asylum grounds suitable apartments, furniture, provisions, and lights for the Medical Superintendent and his family, and to allow a sum not exceeding one hundred and fifty dollars per month to each of the Assistant Physicians for the subsistence of themselves and their families.

6. To make diligent inquiry into the departments of labor and expense, the condition of the asylum, and its property.

7. To report to the Governor a statement of the receipts and expenditures, the condition of the asylum, the number of patients under treatment, and of such other matters touching the duties of the Board as is advisable.

CHAPTER LXII.

An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

[Approved March 13, 1883.]

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

Appropriation.

SECTION 1. The sum of one hundred and sixty-three thousand dollars (\$163,000) is hereby appropriated out of the General Fund in the State treasury for the erection of a

building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

SEC. 2. The Controller of State is hereby directed to draw warrants on the State treasury, from time to time, as the work progresses, in favor of the Board of Directors of said asylum, upon their requisition for the same. Controller to draw warrants.

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

CHAPTER LXIII.

An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof.

[Approved March 13, 1883.]

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

SECTION 1. There shall be a State Board of Horticulture, consisting of nine members, who shall be appointed by the Governor: two from the State at large, and one from each of the seven horticultural districts, which are hereby constituted as follows: Board of Horticulture.

First—The Sonoma District, which shall include the Counties of Sonoma, Marin, Lake, Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou. Districts.

Second—The Napa District, which shall include the Counties of Napa, Solano, and Contra Costa.

Third—The San Francisco District, which shall include the City and County of San Francisco, and the Counties of San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey.

Fourth—The Los Angeles District, which shall include the Counties of Los Angeles, Ventura, Santa Barbara, San Luis Obispo, San Bernardino, and San Diego.

Fifth—The Sacramento District, which shall include the Counties of Sacramento, Yolo, Sutter, Colusa, Butte, Tehama, and Shasta.

Sixth—The San Joaquin District, which shall include the Counties of San Joaquin, Stanislaus, Merced, Fresno, Tulare, and Kern.

Seventh—The El Dorado District, which shall include the Counties of El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Placer, Nevada, Yuba, Sierra, Plumas, Lassen, Modoc, Alpine, Mono, and Inyo.

SEC. 2. The members appointed from each district shall be residents of the district from which they are appointed, and shall be specially qualified by practical experience and study in connection with the industries dependent upon horticulture. They shall each hold office for the term of four years, except that of the nine first appointed, four, to be Members.

determined by lot, shall retire at the end of two years, when their successors shall be appointed by the Governor.

Secretary
and
Treasurer.

SEC. 3. The Board shall appoint and prescribe the duties of a Secretary, who shall not be one of their number, and elect of their own number a Treasurer, both to hold office during the pleasure of the said Board. The Treasurer shall give a bond to the State, with sureties approved by the said Board, in the sum of ten thousand dollars, for the faithful discharge of his duties.

Powers and
duties.

SEC. 4. The Board may receive, manage, use, and hold donations and bequests for promoting the objects of its formation. It shall meet semi-annually, and as much oftener, and at such places, as it may deem expedient, to consult and adopt such measures as may best promote the horticultural industries of the State. It may, but without expense to the State, select and appoint competent and qualified persons to lecture in each of the horticultural districts named in section one of this Act, for the purpose of illustrating practical horticultural topics, and imparting instruction in the methods of culture, pruning, fertilizing, and also in the best methods of treating the diseases of fruit and fruit trees, cleansing orchards, and exterminating insect pests. The office of the Board shall be kept open to the public, subject to the rules of the Board, every day, excepting legal holidays, and shall be in charge of the Secretary during the absence of the Board.

Disinfection
of packages.

SEC. 5. For the purpose of preventing the spread of contagious disease among fruit and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests and the diseases of fruit and fruit trees, and for the disinfection of grafts, scions, orchard debris, empty fruit boxes and packages, and other suspected material or transportable articles, dangerous to orchards, fruit, and fruit trees, said Board shall make regulations for the inspection and disinfection thereof, which said regulations shall be circulated in printed form by the Board among the fruit growers and fruit dealers of the State, shall be published at least twenty days in two daily newspapers of general circulation in the State not of the same city or county, and shall be posted in three conspicuous places in each county in the State, one of which shall be at the county Court House thereof. Such regulations when so posted shall be held to impart notice of their contents to all persons within this State, and shall be binding upon all persons.

Inspector of
Pests.

SEC. 6. The said Board shall elect of their own number, or appoint from without their number, a competent person especially qualified by practical experience in horticulture for the duties of his office, who shall be known as Inspector of Fruit Pests (to hold office at the pleasure of the Board), whose duties it shall be to visit the horticultural districts of the State, to see that all regulations of said Board and provisions of law to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the State, and all regulations of said Board in the nature of quarantining infected or infested districts, and also all rules

and regulations of said Board concerning disinfection of fruits, trees, plants, grafts, scions, orchard debris, empty fruit boxes and packages, and other material dangerous to orchards, fruit, and fruit trees are enforced. He shall, also, whenever required, and under the direction of the Board, and may also upon his own motion, and upon the complaint of interested parties, inspect orchards, nurseries, and other places suspected, or believed to be infested with fruit pests, or infected with contagious disease injurious to trees, plants, or fruits, and he shall report the facts to said Board. If, upon report of said Inspector, or from well attested facts otherwise before it, said Board shall be of the opinion that any locality, orchard, district, or place is infested with fruit pests, or infected with contagious disease injurious to trees, plants, or fruits, and liable to spread to other localities to the injury of other persons or places, said Board shall by an order entered upon its minutes, so declare said and such infested or infected district or place shall be under the quarantine regulations of said Board. As soon, however, as in the opinion of said Inspector the danger from such locality has ceased, he may suspend said quarantine regulations, and shall immediately report the fact to the Board, who may approve or disapprove his action. He shall from time to time, and whenever required by said Board, report to it such information as he may acquire from observation, experience, and otherwise, as to the best modes of diminishing and eradicating fruit pests and diseases from orchards; and also suggestions in practical horticulture; the adaptation of products to soil, climate, and markets, and such other facts and information as shall be calculated to improve the horticultural interests of the State.

Quarantine regulations.

SEC. 7. The said Board, and, in case of necessity, during the recess of the Board, the said Inspector, may appoint such quarantine guardians as may be needed to carry out the provisions of this Act, whose duties it shall be to see that the regulations of the Board and the instructions of the Inspector are enforced and carried out; they shall also report to said Inspector or to the State Board, all infractions or violations of said directions, regulations, and of the law in regard to quarantine disinfection and destruction of pests, and precautions against the spreading pests and diseases. The salary of quarantine guardians shall not exceed two dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations; and they may maintain an action therefor before any Justice of the Peace, in any township in which any quarantined locality is wholly or in part situated. But in no case shall they have any claim upon the State for such services.

Quarantine guardians.

SEC. 8. It shall be the duty of the Secretary to attend all meetings of the Board, and to preserve records of its proceedings and correspondence; to collect books, pamphlets, periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to

Duty of Secretary.

correspond with agriculture and horticulture societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the Board, and prepare, as required by the Board, reports for publication; he shall also act as assistant to and obey the directions of the Inspector of Fruit Pests in the exercise of the duties of his office, and shall be paid for his services as such Secretary and assistant a salary of not to exceed seventy-five dollars per month.

Compensation.

SEC. 9. The Inspector of Fruit Pests shall receive as compensation for his services not to exceed the sum of one hundred and fifty dollars per month, and his actual traveling expenses shall be allowed, not to exceed seven hundred and fifty dollars per annum; the other members of the said Board shall receive no compensation whatever.

Reports.

SEC. 10. The Board shall biennially, in the month of January, report to the Legislature a statement of its doings, with a copy of the Treasurer's accounts for the two years preceding the session thereof, and abstracts of the reports of the Inspector of Fruit Pests and Secretary. Said report shall not exceed one hundred printed pages.

Duty of Treasurer.

SEC. 11. The Treasurer shall receive all moneys belonging to the Board, and pay out the same only for bills approved by it, and shall annually render a detailed account to the Board.

Appropriation.

SEC. 12. There is hereby appropriated for the uses of the State Board of Horticulture, as set forth in this Act, out of any moneys in the State treasury not otherwise appropriated, the sum of five thousand dollars for the year commencing April first, one thousand eight hundred and eighty-three, and five thousand dollars for the year commencing April first, one thousand eight hundred and eighty-four, and the State Controller will draw his warrants upon the State Treasurer in favor of the Treasurer of the said Board for the said sums or any part thereof when they become available, upon proper demand being made for the same by the said Board.

SEC. 13. This Act shall take effect and be in force from and after its passage, and all Acts or parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed.

CHAPTER LXIV.

An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January seventh to July first, of the year one thousand eight hundred and eighty.

[Approved March 13, 1883.]

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

Appropriation.

SECTION 1. The sum of one thousand two hundred and eight and one third dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to

pay to George H. Smith, Reporter of Decisions of the Supreme Court, the salary due him for services as such Reporter during the period elapsing from the seventh day of January, one thousand eight hundred and eighty, to the first day of July of the same year.

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

CHAPTER LXV.

An Act for the relief of John W. Metcalf and George McLellan.

[Approved March 13, 1883.]

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

SECTION 1. The sum of four hundred and forty-seven dollars is hereby appropriated out of any money in the General Fund of the State treasury not otherwise appropriated, to the payment of John W. Metcalf and George McLellan, due to said Metcalf and McLellan for labor expended and material furnished for the erection of the State Normal School building at San José, in the year eighteen hundred and seventy-two—and now remaining unpaid—and the Controller of State is hereby directed to draw his warrant on the State Treasurer, and against the General Fund of the treasury, for four hundred and forty-seven dollars, together with interest in favor of said John W. Metcalf and George McLellan for that amount. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVI.

An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

[Approved March 13, 1883.]

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 deficiencies for rewards offered by the Governor, for the thirty-second fiscal year, and the Controller is hereby authorized to draw his warrants for the amount, and the Treasurer is directed to pay the same. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVII.

An Act supplemental to the General Appropriation Bill, to provide a contingent fund for the office of the Controller.

[Approved March 13, 1883.]

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

Appropriation.

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to provide a contingent fund for the office of the Controller; and the Controller is hereby authorized to draw his warrant for the amount, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

[Approved March 13, 1883.]

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

Appropriation.

SECTION 1. The sum of twenty-five thousand (\$25,000) dollars is hereby appropriated out of any moneys in the General Fund of the State treasury not otherwise appropriated, to pay the claim of James Saultry, ex-Guard at the State Prison at San Quentin, in this State, for personal injuries, namely: the loss of both of his arms while in the discharge of his duties, under the orders of his superior officer, and while in the service of the State of California.

Board of Examiners to invest.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of twenty-five thousand dollars, in favor of the State Board of Examiners, who shall invest the same in interest-bearing bonds of the State, or of some solvent county or counties thereof, and shall collect the interest thereon and pay the same to the said James Saultry during his natural life; *provided*, that upon his death the said bonds shall be sold and the amount realized returned to the General Fund of the State treasury.

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

CHAPTER LXIX.

An Act making an appropriation to pay a deficiency in the appropriations for the thirty-third and thirty-fourth fiscal years.

[Approved March 13, 1883.]

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

SECTION 1. The sum of one thousand seven hundred and fifty (1,750) dollars is hereby appropriated out of any money in the General Fund of the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for services of the stenographer of the State Board of Railroad Commissioners for the thirty-third and thirty-fourth fiscal years. Appropriation

SEC. 2. This Act shall take effect immediately.

CHAPTER LXX.

An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

[Approved March 13, 1883.]

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

SECTION 1. It shall be lawful for municipal corporations, and they are hereby authorized by their respective legislative body or bodies, to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities, when the public necessities require it. Such bridges shall in all respects be constructed in accordance with the provisions of section two thousand eight hundred and seventy-five of the Political Code. Draw-bridges

CHAPTER LXXI.

An Act to provide for the erection of a wall at the State Prison at Folsom.

[Approved March 13, 1883.]

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

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of seven thousand dollars, to be used by the State Appropriation.

Board of Prison Directors in the purchase of material for the erection of a wall at the State Prison at Folsom.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of the State Board of Prison Directors in the sum hereby appropriated.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXII.

An Act to divide the State of California into Congressional Districts.

[Approved March 13, 1883.]

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

- Division.** SECTION 1. For the purpose of electing Representatives to the Congress of the United States, this State is hereby divided into six Congressional Districts, as follows:
- First District.** SEC. 2. The Counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Modoc, Lassen, Plumas, Sierra, Tehama, Colusa, Mendocino, Lake, Sonoma, and Napa, shall comprise the First Congressional District.
- Second District.** SEC. 3. The Counties of Butte, Sutter, Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, San Joaquin, Stanislaus, Merced, Tuolumne, and Mariposa, shall comprise the Second Congressional District.
- Third District.** SEC. 4. The Counties of Yolo, Sacramento, Solano, Contra Costa, Marin, and Alameda, shall comprise the Third Congressional District.
- Fourth District.** SEC. 5. All that portion of the City and County of San Francisco described as follows, to wit: Commencing at the intersection of Bryant Street with the waters of the Bay of San Francisco, continuing thence along the center of Bryant Street to the center of Seventh Street; thence along the center of Seventh Street to the center of Market Street; thence along the center of Market Street to the center of McAllister Street; thence along the center of McAllister Street to the center of Leavenworth Street; thence along the center of Leavenworth Street to the center of Sulter Street; thence along the center of Sutter Street to the center of Hydo Street; thence along the center of Hyde Street to the center of California Street; thence along the center of California Street 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 in an easterly direction to the place of beginning, together with all the islands within the boundaries of the City and County of San Francisco, shall comprise the Fourth Congressional District.
- Fifth District.** SEC. 6. All that portion of the City and County of San Francisco not included in the Fourth Congressional District,

together with the Counties of San Mateo, Santa Cruz, and Santa Clara, shall comprise the Fifth Congressional District.

SEC. 7. The Counties of San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura, Kern, Tulare, Fresno, Alpine, Mono, Inyo, San Bernardino, Los Angeles, and San Diego, shall comprise the Sixth Congressional District.

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

SEC. 9. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

[Approved March 13, 1883.]

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

SECTION 1. The Political Code of the State of California is hereby amended by adding a new section thereto, to be known as section number four thousand and forty-five, to read as follows:

4045. The Board of Supervisors, in their respective counties, have jurisdiction and power, under such limitations and restrictions as are prescribed by law, and in addition to their other jurisdiction and powers, to impose a license tax, at a rate to be fixed annually by them, upon the following named persons, occupations, and business:

1. Auctioneers, bridges, ferries, wharves, chutes, piers, persons engaged in banking, loaning money at interest, or in buying or selling notes, bonds, or other evidences of indebtedness of private persons; or in buying or selling State, county, or city stocks, or other evidences of State, county, or city indebtedness, or stocks; or notes, bonds, or other evidences of indebtedness of incorporated companies; or in buying or selling gold dust, gold or silver bullion, or gold or silver coin; proprietors of billiard tables not kept exclusively for family use, theaters, exhibitions of a caravan or menagerie, or any collection of animals, circus, or other acrobatic performance; each show for pay of any figures, jugglers, necromancers, magicians, wire or rope dancers, or sleight of hand exhibition; all pawnbrokers, keepers of intelligence offices, persons who sell spirituous, malt, or fermented liquors, or wine, in less quantities than one quart.

2. Every person who, at a fixed place of business, sells any goods, wares, or merchandise, wines or distilled liquors, drugs or medicines, jewelry or wares of precious metals, whether on commission or otherwise (except agricultural or vinicultural

productions, or the productions of any stock, dairy, or poultry farm of this State, when sold by the producer thereof, and except such as are sold by auctioneers at public sale under license); all persons who keep horses or carriages for hire, (except such as are used in the transportation of goods); every traveling merchant, hawkor, or peddler who vends goods, wares, or merchandise of any kind, other than the manufactures or productions of this State; every person who keeps a stallion, jack, or bull, and who permits the same to be used for the purpose of propagation for hire; a license for propagation, obtained from the Tax Collector, under the provisions of this Act, shall entitle the holder thereof to the right to go into any county of this State for the purposes of propagation, without further license or expense. The provisions of this section do not apply to exhibitions or entertainments given for the benefit of churches, schools, or other charitable entertainments, by any amateur dramatic association or literary society of the town or district in which such exhibition or entertainment is given. The sale of liquors and wines by persons licensed under division two of this section, must not be in less quantity than one quart measure. No license must be required of physicians, surgeons, apothecaries, or chemists, for any wines or spirituous liquors they may use in the preparation of medicines.

Charitable
entertain-
ments
excepted

Board to fix
county
licenses.

3. The Board of Supervisors of each county must, on the first Monday of October of each year, fix the rates of county licenses; *provided*, that after the passage of this Act, said Board of Supervisors of each county may, at any general or special meeting of said Board, held as required by law, fix the rates of said licenses up to the first Monday of October, A. D. eighteen hundred and eighty-three, and said licenses shall be collected at said rates for the year eighteen hundred and eighty-three until said rates are fixed on said first Monday of October, A. D. eighteen hundred and eighty-three.

4. The licenses herein provided for shall be collected as now provided for by the provisions of chapter fifteen, title seven, part three, of the Political Code of the State of California.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIV.

An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

[Approved March 13, 1883.]

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

SECTION 1. All moneys that have been or shall be raised by special tax, for the purpose of erecting school buildings,

that shall remain in the hands of the County Treasurer after all bonds that have been or may be issued on account of such buildings shall have been redeemed, and all other indebtedness arising on account of such building shall have been liquidated, shall be placed in the County School Fund of the school district for which such moneys were raised, subject to the order of the Trustees of said district.

Surplus moneys to be placed in County School Fund.

CHAPTER LXXV.

An Act to establish a uniform system of county and township governments.

[Approved March 14, 1883.]

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 as now organized or may be created are bodies 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.

Powers, how exercised

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.

Name.

SEC. 4. It has power:

Powers.

1. To sue and be sued;

2. To purchase and hold land within its limits;

3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers;

4. To manage and dispose of its property as the interests of its inhabitants may require;

5. To levy and collect such taxes for purposes under its exclusive jurisdiction as are authorized by law.

SEC. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. No county shall incur any indebtedness or liability in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Any

Restrictions.

indebtedness or liability incurred contrary to this provision shall be void.

Certain con-
tracts 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.

Penalty for
allowing
certain
claims.

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 claim.

Duty of
District
Attorney.

SEC. 8. Hereafter, whenever any Board of Supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any other county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized thereto by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of such county is hereby empowered, and it is hereby made his duty, to institute suit in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit; *and provided further*, that when the money has not been paid on such order or warrants, it is hereby made the duty of the District Attorney of such county, upon receiving notice thereof, to commence suit in the name of the county for restraining the payment of the same, and no order of the Board of Supervisors shall be necessary in order to maintain such suit.

Duty of
Superior
Judge.

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.

Duty of
Secretary of
State.

SEC. 10. The Secretary of State shall, within ninety days after the passage of this Act, certify to the County Clerk of each of the counties in the State, the population of such county, as determined by the United States census taken in the year eighteen hundred and eighty, and thereafter, whenever a new census is taken, shall, as soon as the same shall be officially ascertained by him, certify to each of such Clerks the population of such 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 gov-

ernment 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.

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 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. County seat, how removed.

BOARDS OF SUPERVISORS.

SEC. 13. Each county must have a Board of Supervisors, consisting of five members. Number.

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. Qualifications.

SEC. 15. At the general election to be held in the year eighteen hundred and eighty-four, a full Board of Supervisors must be chosen in each county. They shall so classify themselves by lot that three of them shall hold office for four years, and two of them for two years. The Supervisors elected at the general election in eighteen hundred and eighty-six, and every two 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. Election and classification.

SEC. 16. The Board of Supervisors of each county shall, on or before the first Monday of September, eighteen hundred and eighty-four, district their respective counties into five Supervisor Districts, as nearly equal in population as may be. Districting.

SEC. 17. Whenever a vacancy occurs in the Board of Supervisors, the Governor shall fill the vacancy by appointment, the appointee to hold the office for the unexpired term. Vacancy, how filled.

SEC. 18. The Supervisors shall elect a Chairman, who

Chairman. 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

Oaths. may administer oaths to any person when necessary in the performance of their official duties. Not less than three

Quorum. 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.

County Clerk and Chairman. 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.

Duty of Clerk.

SEC. 20. The Clerk of the Board must:

1. Record all the proceedings of the Board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Immediately after the adjournment of each meeting of the Board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the Chairman of the Board, and thereafter said Clerk shall deliver to and leave with the Auditor one of said lists and shall deliver to and leave with the Treasurer the other list.
5. File and preserve the reports of the County Treasurer of the receipts and disbursements of the county.
6. Preserve and file all accounts acted upon by the Board.
7. Preserve and file all petitions and applications for franchises, and record the action of the Board thereon.
8. Authenticate with his signature and seal of the Board the proceedings of the Board whenever the same shall be ordered published.
9. Authenticate with his signature and the seal of the Board all ordinances or laws passed by the Board, and 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.

Duty of 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.
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.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "Franchise Book," containing all franchises granted by them, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required.

5. A "Warrant Book," to be kept by the County Auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the Minute Book, with the date, amount, on what account, and name of payee.

6. An "Ordinance Book," in which must be entered all ordinances or laws duly passed by the Board.

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 meeting.

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. All meetings must be public.

GENERAL PERMANENT POWERS OF BOARD.

SEC. 25. The Boards of Supervisors in their respective counties have jurisdiction and power, under such limitations and restrictions as are prescribed by law: Power.

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, to make reports, and to present their books and accounts for inspection. Supervisor conduct of officers.

2. To divide the counties into townships, school, road, and other districts required by law, change the same, and create others, as convenience requires. Divide county.

3. To establish, abolish, and change election precincts, and to appoint Inspectors and Judges of Election, canvass all election returns, declare the result, and order the County Clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed within thirty days prior to any election. Election precinct, etc.

4. To lay out, maintain, control, and manage public roads, turnpikes, ferries, and bridges within the county. Public roads.

5. To provide for the care and maintenance of the indigent sick, or the otherwise dependent poor of the county; erect,

Indigent sick and poor.

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.

Poorhouses.

Farm.

6. To provide a farm in connection with the county hospital or poorhouse, and make regulations for working the same.

County offices.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

Purchase and control real estate.

8. To purchase, receive by donation, or lease, any real or personal property necessary for the use of the county, preserve, take care of, manage, and control the same; but no purchase of real property must be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the Board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county, or if none be published in the county, then by posting such notice at least three weeks prior to the time when the Board will meet to consummate such purchase, in at least three public places in each Supervisor District.

Court House, jail, and hospital.

9. To cause to be erected or rebuilt and furnished a Court House, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until 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.

Sell certain property of county.

10. To sell at public auction, at the Court House door, after thirty days' previous notice, given either by publication in a newspaper published in the county or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county no longer required for public use, paying the proceeds into the county treasury for the use of the county.

Examine and audit accounts.

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.

Same.

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.

Levy taxes.

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.

14. (a) The Board of Supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund and re-fund the same, and issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually; which bonds shall be substantially in the following form:

Fund indebtedness.

No.—. The County of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said county, in —, on the first day of —, eighteen hundred and —, or at any time before that date, at the pleasure of the county, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent per annum, payable at the office of said Treasurer semi-annually, on the first day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors in conformity with a resolution of said Board, dated the — day of —, eighteen hundred and —, and under authority conferred upon said Board by the provisions of an Act of the Legislature of California entitled "An Act to establish a uniform system of county governments," approved (insert date of the approval of this Act).

Form of bond.

In testimony whereof, the said county, by its Board of Supervisors, has caused this bond to be signed by the Chairman of the Board, and attested by the Auditor, with the county seal attached, this — day of —, eighteen hundred and —.

—, Chairman of the Board of Supervisors.

Attest: —, Auditor.

And the interest coupon shall be in the following form :

The Treasurer of — County, California, will pay to the holder hereof, on the — day of —, eighteen hundred and —, at his office in —, — dollars, gold coin, for interest on County Bond No. —.

—, County Auditor.

(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

Treasurer to sell and deliver bonds

exclusively for the payment of liabilities existing against the county at and before the date above named.

Cancellation
of bonds
exchanged.

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 evidence 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 were received therefor; which record shall be open at all times for inspection by the public.

Statement
by Treas-
urer.

Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the Treasurer of such purchase, giving at the same time the number of the bond transferred and his Post Office address, and every transfer shall be noted on the record. The Treasurer shall also report under oath to the Board at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of Supervisors of said county. No sale shall be made of any such bond except to the highest bidder, after advertising bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, the right being reserved in such advertisement to reject any or all such bids.

Levy to pay
interest and
principal.

(c) The Board of Supervisors shall cause to be assessed and levied each year upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this Act, accruing before the next annual levy, and such proportion 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.

Redemption
of bonds.

(d) Whenever the amount in the hands of the Treasurer, belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds that he is prepared to

pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his Post Office address as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease, and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the Post Office address of the owner, as shown by the record kept in the Treasurer's office.

Notice.

(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 next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

State tax to be levied if county fails to levy.

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 of the owners of impounded animals, and from no other source.

Maintain public pounds.

16. To equalize assessments.

Equalize assessments.
Control suits.

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 of the county in conducting the same.

18. To insure the county buildings in the name and for the benefit of the county.

Insure buildings.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

Grant licenses.

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.

Establish funds.

21. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the Board of Super-

Fill vacancies.

visors and elective county or township offices, except in those of Judge of the Superior Court and Supervisor. The appointee to hold office for the unexpired term.

To provide for preservation of public health.

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof; and when the expense is incurred in a district or portion of a county for the particular benefit thereof, the Board may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected.

Fix price of advertising, etc.

23. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing, stationery, and blank books, and also the price of all county advertising, and each county officer shall procure such supplies and advertising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; *provided*, that said supplies and advertisements shall be procured within the county when practicable, and provided that a square of advertising shall be two hundred and forty cms nonpareil.

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.

Enforce 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.

Adopt a 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.

License shows, etc.

27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted or carried on in such county, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Destruction of gophers, etc.

28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Injuries to sheep and taxation of dogs.

29. To provide for the prevention of injuries to sheep by dogs; and to tax dogs and direct the application of the tax.

Working 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 of merchandise, etc.

31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

Burying dead.

32. To provide for the burying of the indigent dead.

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. Make and enforce local regulations.

34. To adopt such rules and regulations within their respective counties with regard to the 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. Adopt rules.

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. Perform other acts.

36. To provide for the appointment of 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 compensation for his services as they may determine, not to exceed the sum of fifteen hundred dollars per annum. Assistant District Attorney.

SEC. 26. The enacting clause of all ordinances of the Board shall be as follows: "The Board of Supervisors of the County of ——— do ordain as follows." Every ordinance shall be signed by the Chairman of the Board and attested by the Clerk. On the passage of all ordinances the votes of the several members of the Board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the Board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the Court House door at least one week. An order entered in the minutes of the Board that such ordinance has been duly published or posted, shall be prima facie proof of such publication or posting. Requisites of ordinances.

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. Sheriff to attend meetings.

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 docu- Subpoena for witnesses, books, etc.

ments in his possession, or under his control, relating to the affairs or interests of the county.

Subpœna,
how served.

SEC. 29. It shall be the duty of the Sheriff or any Deputy Sheriff of the county to whom the subpœna may be delivered, to serve the same by reading it to the person named therein, and at the same time delivering him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

Power of
Chairman 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.

Penalty for
neglect to
appear and
testify.

SEC. 31. Whenever any person duly subpœnaed 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 subpœna, or shall refuse to testify before such Board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the Chairman of the Board, or of the committee, as the case may be, to report the fact to the Judge of the Superior Court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the Court of which he shall be Judge, directed to the Sheriff of the county where such witness was required to appear and testify, commanding the said Sheriff to attach such person, and forthwith bring him before the Judge by whose order such attachment was issued.

Same.

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 subpœnaed to appear and give evidence on the trial of a civil cause before a Superior Court.

Not entitled
to fees.

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.

Board must
provide
blanks, etc.,
for elections.

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.

Certificates
to be issued
by Clerk.

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.

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 allowances 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 anticipated delinquencies. The Board shall have no power to make allowances against any fund which, with allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the Auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Any allowance made contrary to the provisions of this section shall be null and void, and the Auditor shall not draw his warrant therefor, nor the Treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the Auditor.

Limitations
on Super-
visors.

SEC. 37. The Supervisors can only contract a bonded indebtedness other than such as is authorized by section twenty-six of this Act, as follows: They shall, by order, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which they propose to issue, and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the Board for that purpose. If a special election, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as possible in conformity with the general election law of this State. Notice shall be given of such election, by publication in some newspaper or newspapers published in the county, for four weeks prior thereto. If there be no newspaper so published, then by posting notices for the same time in each election precinct in the county, and at the Court House door. The ballots shall be printed, "For the issue of bonds," or, "Against the issue of bonds." If two thirds of the electors of the county voting at such election shall vote in favor of issuing bonds, and not otherwise, the Board may proceed to issue the amount of bonds specified, in the manner provided in this Act for

How bonded
debt may be
contracted.

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.

How cost of buildings, etc., may be increased.

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.

Consent of contractor necessary.

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.

Limitation on county officers.

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.

Claims must be itemized.

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 any county or district fund, unless the same be itemized, giving names, dates, the particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, materials furnished, to whom, and quantity, and price paid therefor, duly verified as to its correctness, and that the amount claimed is justly due, is presented and filed with the Clerk of the Board within a year after the last item of the account or claim accrued. This section as to itemizing shall not apply to services rendered under section one hundred and forty-eight; *provided*, that such services are substantially stated with their value, and verified as above. If in case of any claim which requires itemizing, the Board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the

claimant, or his attorney, of that fact, and give time to have the claim itemized and reverified.

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. Claims must be itemized.

SEC. 43. When the Board finds 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 be again considered at the next regular succeeding session of the Board, but not afterwards. Certain claims to be rejected.

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 allowed, the Board must pay the claimant no more than was originally allowed. Proceedings after rejection of claim.

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 its registration. Warrant must specify fund.

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 improvement of roads, or the building of bridges, or for other purposes. No member of Board must be interested in certain claims.

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. Transfer of order in which Board is interested.

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. Notices, where posted.

SEC. 49. The Board, under such regulations as they may
40°

Shade trees 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.

Report of Assessor. 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.

Claims by members. 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.

Statement by Auditor. 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:

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.

To receive donations of property. 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.

Improvement of streams 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.

Penalty for neglect of duty by Supervisor. SEC. 55. Any Supervisor who neglects or refuses 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.

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 to office.

SEC. 57. The officers of a county are:

County officers.

- A Sheriff;
- A County Clerk;
- An Auditor;
- A Recorder;
- A Tax Collector;
- A District Attorney;
- An Assessor;
- A Treasurer;
- A Superintendent of Schools;
- A Public Administrator;
- A Coroner;
- A Surveyor;

The members of the Board of Supervisors;

And such other officers as may be provided by law; *provided*, that in counties where the Board of Supervisors, by proper ordinance, may so elect, the duties of certain of the above mentioned officers are hereby consolidated, as follows :

- Sheriff and Tax Collector;
- Auditor and Recorder;
- County Clerk, Auditor, and Recorder;
- County Clerk and Recorder;
- County Clerk and Auditor;
- Treasurer and Tax Collector;
- Public Administrator and Coroner.

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 eighty-four, 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.

Township officers.

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.

Where two offices are united.

SEC. 60. All elective county and township officers (except Superintendent of Public Schools and Assessors) shall be elected at the general election to be held in November, eighteen hundred and eighty-four, and every two years thereafter, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. Supervisors shall be elected as hereinbefore

When elected and when take office.

provided. Assessors and Superintendents of Schools shall be elected at the general election to be held in the year eighteen hundred and eighty-six, 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.

When officers may appoint 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.

When deputies included

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.

County seat; officers.

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.

Penalty.

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.

Oaths.

SEC. 65. Every officer mentioned in section fifty-seven, and his deputies, and every Justice of the Peace, may administer and certify oaths.

Residence.

SEC. 66. The following officers must reside at the county seat of their respective counties: The County Clerk, Auditor, Recorder, Sheriff, District Attorney, and Treasurer.

Absent from State.

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.

What officers cannot practice law.

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.

Amount of bonds.

SEC. 69. The Board of Supervisors of each county in the State shall, on or before the first Monday in September, eighteen hundred and eighty-four, 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 may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the State, and is worth in real or personal property, or both, situate in this State, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the County Recorder, and then filed and kept in the office of the County Clerk. The official bond of the County Clerk shall, after being recorded, be filed and kept in the office of the County Treasurer.

COUNTY TREASURER.

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. Duties of
County
Treasurer.

2. File and keep the certificates of the Auditor delivered to him when moneys are paid into the treasury;

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account, all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him;

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account;

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the County Auditor;

6. Disburse the county moneys only on county warrants, issued by the County Auditor, based on orders of the Board of Supervisors, or upon order of 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, or as otherwise provided by law. Certificate
of Auditor.

SEC. 72. When any money is paid to the County Treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the County Auditor, who must charge the Treasurer therewith, and give the person paying the same a receipt. Receipts.

SEC. 73. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the

Warrant,
how and
when paid.

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.

When not
paid.

SEC. 74. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer must indorse thereon "Not paid for want of funds," annexing the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

Notice of
payment.

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.

Manner of
advertising.

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.

Priority of
payment.

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 the receipt of moneys into the treasury not otherwise appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Warrants
not pre-
sented for
payment in
sixty days.

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.

Interest,
how entered.

SEC. 79. When the Treasurer pays any warrant on 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.

Settlement
with
Auditor.

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 out 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.

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 amount of disbursements, together with the debts due to and from the county, may clearly and distinctly appear. Report to Supervisors.

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 refusing to report.

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. Duty of District Attorney.

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. Duty of Coroner.

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. Duty of Treasurer on receiving money, etc., from Coroner.

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. When money repaid to heirs.

SEC. 87. The County Treasurer must keep all moneys

Public
moneys, how
kept.

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.

Suits against
Treasurer

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.

In case of
death of
Treasurer.

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.

Books, etc.,
subject to
inspection.

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.

Examina-
tion of
books

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.

SHERIFF.

"Process,"
"Notice."

SEC. 92. "Process," as used in this Act, includes all writs, warrants, summons, and orders of Courts of 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.

Duty of
Sheriff.

SEC. 93. The Sheriff must:

1. Preserve the peace;
2. Arrest and take before the nearest magistrate for examination, all persons who attempt to commit, or who have committed, a public offense;
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge;
4. Attend all Courts, except Justices' and Police Courts, held within his county, and obey their lawful orders and directions;
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties;
6. Take charge of and keep the county jail, and the prisoners therein;
7. Release on the record all attachments of real property when the attachment placed in his hand has been released or discharged;
8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the

person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time of reception;

9. Serve all process and notices in the manner prescribed by law;

10. Certify under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

SEC. 94. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the Post Office, prepaying postage. Process from another county.

SEC. 95. The return of the Sheriff upon process or notices is prima facie evidence of the facts in such return stated. Return of Sheriff.

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. Penalty for not returning process.

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, 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. Penalty for neglecting to levy execution.

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. Penalty for neglecting to pay over money.

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: Penalty for escape of prisoner.

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. Rescue in civil action.

SEC. 101. An action cannot be maintained against the Sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the Sheriff. Return of prisoner before action commenced.

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 Effect of direction to Sheriff.

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.

Office, when vacant.

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.

Must execute process.

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 exhibit papers.

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.

Attendance upon Court.

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.

Service, how made.

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.

When Sheriff is a party, Coroner must execute.

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.

"Elisors," when designated.

SEC. 109. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the Court or the Judge thereof, and denominated an Elisor, in the following cases:

1. When the Sheriff and Coroner are both parties;
2. When either of these officers is a party, and the process is against the other; and,
3. When either of these officers is a party, and there is a vacancy in the office of the other, or when it appears by affidavit to the satisfaction of the Court in which the pro-

ceeding 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.

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.

SEC. 110. The Sheriff must perform such other duties as Other duties. are required of him by law.

COUNTY CLERK.

SEC. 111. The County Clerk must:

1. Take charge of and safely keep or dispose of, according Duties of County Clerk. 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 Other duties. such other duties, as are prescribed by law.

COUNTY AUDITOR.

SEC. 113. The Auditor must draw warrants on the County Treasurer in favor of all persons entitled thereto in payment of all claims and demands chargeable against the county Auditor, must draw warrants.

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.

Warrants must specify liability.
Must settle accounts.

SEC. 114. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

SEC. 115. The Auditor must examine and settle the accounts of all persons indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the Treasurer, and upon the presentation and filing of the Treasurer's receipt therefor, give to such persons a discharge, and charge the Treasurer with the amount received by him.

Keep accounts with Treasurer.

SEC. 116. The Auditor must keep accounts current with the Treasurer, and when any person deposits with the Auditor any receipt given by the Treasurer for any money paid into the treasury, the Auditor must file such receipt, and charge the Treasurer with the amount thereof.

Warrants must be numbered.

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.

Examine books of Treasurer.

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.

Counting of money.

SEC. 119. The Chairman of the Board of Supervisors, District Attorney, and Auditor must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

Filing and posting statements

SEC. 120. They must file one of the statements in the office of the County Clerk, and the Auditor must post and maintain the other in his office for at least one month thereafter.

Joint statement, when and how made.

SEC. 121. The Auditor and Treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same was distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and

unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and generally make a full and specific showing of the financial condition of the county.

SEC. 122. The Auditor must discharge such other duties Other duties. as are required by law.

COUNTY RECORDER.

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. Recorder must procure and keep books.

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: Duty of Recorder.

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 or proved;
2. Mortgages of personal property;
3. Certificates of marriage, and marriage contracts;
4. Wills admitted to probate;
5. Official bonds;
6. Notices of mechanics' lien;
7. Transcripts of judgments which by law are made liens upon real estate;
8. Notices of attachments upon real estate;
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof;
10. Instruments describing or relating to the separate property of married women;
11. Births and deaths; and,
12. Such other writings as are required or permitted by law to be recorded.

SEC. 125. Every Recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded." Books to be kept.
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 Mort-

Books to be
kept.

gagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indexes of releases of mortgages labeled respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indexes of releases of mortgages, labeled respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled "Powers of Attorney," each page divided into five columns, headed respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled "Leases—Lessors," each page divided into four columns, headed respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled "Leases—Lessees," each page divided into four columns, headed respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

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."

Books to be kept.

16. An index of notices of mechanics' liens, labeled "Mechanics' Liens," each page divided into three columns, headed respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled "Transcripts of Judgments," each page divided into seven columns, headed respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled "Attachments," each page divided into six columns, headed respectively: "Parties against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled "Notices of Actions," each page divided into three columns, headed respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled "Separate Property," each page divided into five columns, headed respectively: "Names of Married Women," "Names of their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the register of births and deaths.

22. Such other books of record and indexes as are or may be required by law. Other books.

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. "Certificates of Sales."

SEC. 127. The Recorder must file and record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property any part of which is situate in the county of which he is Recorder. Copies of final judgments.

SEC. 128. Every such certified copy of partition, from the time of the filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lien holders, purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer. Notice, how imparted.

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 Indexes, how kept.

marked on the outside in such 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.

Filing and
recording
instruments

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.

Same.

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 to the party leaving the same for record, or to his order.

Searches.

SEC. 132. The Recorder may at his option, 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 dates 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.

Penalty for
neglecting
to record any
instrument,
etc.

SEC. 133. If any Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,

2. Records any instrument, papers, or notices, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,

3. Neglects or refuses to keep in his office such indexes as are required by this article, or to make the proper entries therein; or,

4. Neglects or refuses to make the searches and to give the certificate required by this article, after he has consented so to do, 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 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.

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. Not bound to record unless fees are paid

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. Records of office open for inspection.

DISTRICT ATTORNEY.

SEC. 136. The District Attorney is the public prosecutor, and must: Duties of District Attorney.

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.

SEC. 137. The District Attorney is the legal adviser of the Board of Supervisors. He must attend their meetings when required, and must attend and oppose all claims and accounts against the county when he deems them unjust and illegal. Legal adviser.

SEC. 138. The District Attorney, except for his own services, must not present any claim, account, or demand for Claims.

allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

COUNTY SURVEYOR.

Duties of
County Sur-
veyor.

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 the certificate of survey, must, upon application, be furnished by him to any person upon payment of the fees allowed by law.

Land divided
by county
lines.

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.

Same.

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.

True meri-
dian and
variation.

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.

Chainmen
and markers.

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.

Must assist
Surveyor-
General.

SEC. 144. Each County Surveyor must, when required, aid and assist the Surveyor-General in making surveys within the county.

When Sur-
veyor is
interested.

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.

Other duties.

SEC. 146. He must perform such other services as may be required of him by law.

COUNTY CORONER.

Duty of
Coroner on
inquest.

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 an inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach, or of the tissues of the body,

or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death.

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.

Duty of Coroner on Inquest.

SEC. 149. It shall be the duty of the Coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

"Coroner's register."

SEC. 150. The Coroner must, within thirty days after an inquest upon a dead body, deliver to the County Treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

Must deliver property of deceased.

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.

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.

Vacancy, how filled.

SEC. 152. In the cases specified in section one hundred and eight, the Coroner must discharge the duties of Sheriff.

Discharge duties of Sheriff.

SEC. 153. The Assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

Assessor.

SEC. 154. The Tax Collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

Tax Collector.

SEC. 155. The School Superintendent must perform such duties as are prescribed in title three, part three, of the Political Code.

School Superintendent.

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.

Public Administrator.

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

"Register of Public Administrator."

to give a full and complete history of each estate administered by him.

Constables.

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 process 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.

Sections applicable.

SEC. 159. All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to Constables, and govern their powers, duties, and liabilities.

Justices of the Peace

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.

Salaries, how paid.

SEC. 161. The salaries of officers must be paid monthly, from the Salary County Fund of the treasury, on the warrant of the Auditor.

Classification of counties

SEC. 162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this State are hereby classified according to their population, as ascertained by the Federal census taken in the year eighteen hundred and eighty, as follows, to wit:

First class.

All counties containing a population of one hundred thousand inhabitants and over, shall belong to and be known as counties of the first class.

Second class.

Counties containing a population of fifty thousand and under one hundred thousand inhabitants, shall belong to and be known as counties of the second class.

Third class.

Counties containing a population of thirty-five thousand and under fifty thousand inhabitants, shall belong to and be known as counties of the third class.

Fourth class.

Counties containing a population of thirty-four thousand and under thirty-five thousand, shall belong to and be known as counties of the fourth class.

Fifth class.

Counties containing a population of thirty thousand and under thirty-four thousand, shall belong to and be known as counties of the fifth class.

Sixth class.

Counties containing a population of twenty-five thousand and under thirty thousand inhabitants, shall belong to and be known as counties of the sixth class.

Seventh class.

Counties containing a population of twenty-one thousand and under twenty-five thousand, shall belong to and be known as counties of the seventh class.

Eighth class.

Counties containing a population of twenty thousand and under twenty-one thousand, shall belong to and be known as counties of the eighth class.

Counties containing a population of eighteen thousand five

hundred and under twenty thousand, shall belong to and be known as counties of the ninth class. Ninth class.

Counties containing a population of sixteen thousand and under eighteen thousand five hundred, shall belong to and be known as counties of the tenth class. Tenth class.

Counties containing a population of fifteen thousand and under sixteen thousand, shall belong to and be known as counties of the eleventh class. Eleventh class.

Counties having a population of fourteen thousand and under fifteen thousand, shall belong to and be known as counties of the twelfth class. Twelfth class.

Counties having a population of thirteen thousand two hundred and under fourteen thousand, shall belong to and be known as counties of the thirteenth class. Thirteenth class.

Counties having a population of thirteen thousand and under thirteen thousand two hundred, shall belong to and be known as counties of the fourteenth class. Fourteenth class.

Counties having a population of twelve thousand eight hundred and one and under thirteen thousand, shall belong to and be known as counties of the fifteenth class. Fifteenth class.

Counties having a population of twelve thousand seven hundred and fifty and under twelve thousand eight hundred and one, shall belong to and be known as counties of the sixteenth class. Sixteenth class.

Counties having a population of twelve thousand and under twelve thousand seven hundred and fifty, shall belong to and be known as counties of the seventeenth class. Seventeenth class.

Counties having a population of eleven thousand five hundred and under twelve thousand, shall belong to and be known as counties of the eighteenth class. Eighteenth class.

Counties having a population of eleven thousand three hundred and fifty and under eleven thousand five hundred, shall belong to and be known as counties of the nineteenth class. Nineteenth class.

Counties having a population of eleven thousand three hundred and under eleven thousand three hundred and fifty, shall belong to and be known as counties of the twentieth class. Twentieth class.

Counties having a population of eleven thousand two hundred and seventy-five and under eleven thousand three hundred, shall belong to and be known as counties of the twenty-first class. Twenty-first class.

Counties having a population of eleven thousand and under eleven thousand two hundred and seventy-five, shall belong to and be known as counties of the twenty-second class. Twenty-second class.

Counties having a population of ten thousand and under eleven thousand, shall belong to and be known as counties of the twenty-third class. Twenty-third class.

Counties having a population of nine thousand five hundred and under ten thousand, shall belong to and be known as counties of the twenty-fourth class. Twenty-fourth class.

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

- Twenty-sixth class. Counties having a population of nine thousand three hundred and under nine thousand four hundred and eighty-five, shall belong to and be known as counties of the twenty-sixth class.
- Twenty-seventh class. Counties having a population of nine thousand one hundred and under nine thousand three hundred, shall belong to and be known as counties of the twenty-seventh class.
- Twenty-eighth class. Counties having a population of nine thousand and under nine thousand one hundred, shall belong to and be known as counties of the twenty-eighth class.
- Twenty-ninth class. Counties having a population of eight thousand seven hundred and fifty and under nine thousand, shall belong to and be known as counties of the twenty-ninth class.
- Thirtieth class. Counties having a population of eight thousand six hundred and fifty and under eight thousand seven hundred and fifty, shall belong to and be known as counties of the thirtieth class.
- Thirty-first class. Counties having a population of eight thousand six hundred and fifteen and under eight thousand six hundred and fifty, shall belong to and be known as counties of the thirty-first class.
- Thirty-second class. Counties having a population of eight thousand six hundred and ten and under eight thousand six hundred and fifteen, shall belong to and be known as counties of the thirty-second class.
- Thirty-third class. Counties having a population of seven thousand eight hundred and under eight thousand, shall belong to and be known as counties of the thirty-third class.
- Thirty-fourth class. Counties having a population of seven thousand five hundred and under seven thousand eight hundred, shall belong to and be known as counties of the thirty-fourth class.
- Thirty-fifth class. Counties having a population of seven thousand and under seven thousand five hundred, shall belong to and be known as counties of the thirty-fifth class.
- Thirty-sixth class. Counties having a population of six thousand six hundred and under seven thousand, shall belong to and be known as counties of the thirty-sixth class.
- Thirty-seventh class. Counties having a population of six thousand five hundred and under six thousand six hundred, shall belong to and be known as counties of the thirty-seventh class.
- Thirty-eighth class. Counties having a population of six thousand and under six thousand five hundred, shall belong to and be known as counties of the thirty-eighth class.
- Thirty-ninth class. Counties having a population of five thousand six hundred and under six thousand, shall belong to and be known as counties of the thirty-ninth class.
- Fortieth class. Counties having a population of five thousand three hundred and under five thousand six hundred, shall belong to and be known as counties of the fortieth class.
- Forty-first class. Counties having a population of five thousand and under five thousand three hundred, shall belong to and be known as counties of the forty-first class.
- Forty-second class. Counties having a population of four thousand five hundred and under five thousand, shall belong to and be known as counties of the forty-second class.

Counties having a population of four thousand three hundred and fifty and under four thousand five hundred, shall belong to and be known as counties of the forty-third class. Forty-third class.

Counties having a population of four thousand and under four thousand three hundred and fifty, shall belong to and be known as counties of the forty-fourth class. Forty-fourth class.

Counties having a population of three thousand and under four thousand, shall belong to and be known as counties of the forty-fifth class. Forty-fifth class.

Counties having a population of two thousand six hundred and under three thousand, shall belong to and be known as counties of the forty-sixth class. Forty-sixth class.

Counties having a population of two thousand and under two thousand six hundred, shall belong to and be known as counties of the forty-seventh class. Forty-seventh class.

Counties having a population under two thousand, shall belong to and be known as counties of the forty-eighth class. Forty-eighth class.

SALARIES OF COUNTY OFFICERS.

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. First class.

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: Second class.

1. The County Clerk, thirteen thousand dollars per annum.
2. The Sheriff, fifteen thousand dollars per annum.
3. The Recorder, fifteen thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, four thousand five hundred dollars per annum.
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, twenty-four 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, one thousand dollars each per annum.

In counties of the third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Third class.

1. The County Clerk, seven thousand five hundred 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 own county.

3. The Recorder, seven thousand dollars per annum.

4. The Auditor, six hundred and fifty dollars per annum.

5. The Treasurer, three thousand dollars per annum.

6. The Tax Collector, one thousand two hundred and fifty dollars per annum.

7. The Assessor, six thousand 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, fifteen hundred dollars per annum.

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

13. Justices of the Peace, an amount no greater than the amount of fees earned by them in criminal cases, together with the fees collected by them in civil cases, and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Justice of the Peace shall be paid in any one month more than one hundred and fifty dollars, nor more than eighteen hundred dollars in any one year.

14. Constables, an amount not greater than the amount of fees earned by them for performing criminal services, together with the fees collected by them and paid into the county treasury, to be allowed and paid in the same manner as other county charges; *provided*, that no one Constable shall receive in any one month more than one hundred dollars in any one month, nor more than nine hundred dollars in any one year.

15. Supervisors, eight hundred dollars each per annum.

Fourth class.

In counties of the fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

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

2. The Sheriff, eight thousand five hundred dollars per annum.

3. The Recorder, four thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum.

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, fifty 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.

In counties of the fifth class, the county officers shall receive ^{Fifth class} 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, ninety-six hundred dollars per annum.

2. The Sheriff, twelve thousand five hundred dollars per annum.

3. The Recorder, nine thousand dollars per annum.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, eighteen hundred dollars per annum.

7. The Assessor, nine thousand dollars per annum.

8. The District Attorney, thirty-six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, two thousand dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed; but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.

14. Constables, such fees as are now or hereafter may be allowed; but they shall receive compensation for all services rendered by them as such during their official terms, without reference to the aggregate amount thereof, any law to the contrary notwithstanding.

15. Supervisors, five dollars per diem and mileage.

In counties of the sixth class, the county officers shall receive ^{Sixth class} 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, fifty-five hundred dollars per annum.

2. The Sheriff, six thousand six hundred dollars per annum, and for traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution,

to hold inquest or trial of right of property, in executing a writ of habeas corpus, or collecting taxes; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled by the most practicable route in going only, twenty cents.

3. The Recorder, forty-five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, twenty-four hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, thirty-four hundred dollars per annum; and he shall also receive fifteen per cent on all poll taxes and six per cent on all personal property taxes collected by him.
8. The District Attorney, thirty-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, eighteen 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 may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, for all services required of them by law, or by virtue of their office, must be allowed six dollars per diem, and thirty cents per mile, in traveling from the place of their 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 must the per diem of the Supervisors exceed five hundred dollars each in one year.

Seventh
class.

In counties of the seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand three hundred dollars per annum.
2. The Sheriff, five thousand five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit the fees for mileage which are now or may hereafter be allowed by law.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, eight hundred dollars per annum.
5. The Treasurer, three thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be provided 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 member of the Board of Supervisors, six hundred dollars per annum.

The County Clerk and Recorder may each, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of twelve hundred dollars per annum. The Treasurer may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary, who shall receive from the county a salary to be fixed by said Board, not exceeding one hundred dollars per month. The Sheriff may, with the consent of said Board, employ a deputy, who shall receive a salary of fifteen hundred dollars per annum. The Board of Supervisors may designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day for each day they actually and necessarily attend to the duties of the office, between the first Monday in March and the first Monday in August of the same year.

In counties of the eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand nine hundred dollars per annum.

2. The Sheriff, eight 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, three thousand five hundred dollars per annum.

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

7. The Assessor, eight thousand dollars per annum.

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

9. The Coroner, such fees as are now or may be hereafter allowed by law.

10. The Public Administrator, one thousand dollars per annum.

11. The Superintendent of Schools, two thousand dollars per annum; *provided*, if he shall engage in any other business during his term of office, his salary shall be one thousand dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Each member of the Board of Supervisors shall receive for all services required of him by law, or by virtue of his office, a salary of eight dollars per day, not exceeding in the aggregate five hundred dollars per annum, and ten cents a 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.

Ninth class. 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, to wit:

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, nine 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 four hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, six thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may be hereafter allowed by law.
11. The Superintendent of Schools, one thousand eight 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, nine hundred dollars each per annum; no mileage.

Tenth class. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
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, two thousand dollars per annum.
7. The Assessor, three thousand three hundred dollars per annum.
8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, one thousand dollars per annum.

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, an amount no greater than the amount of fees earned by them in criminal cases, to be allowed and paid in the same manner as any other county charges; *provided*, that no one Constable shall be paid for any one month more than one hundred dollars, nor more than twelve hundred dollars for any one year; and said Constables 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.

15. Supervisors, each seven hundred dollars per annum, without mileage.

In counties of the eleventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Eleventh class.

1. The County Clerk, thirty-two hundred dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, twenty-five hundred dollars per annum.

4. The Auditor, seven hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

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

7. The Assessor, five thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, fifteen hundred dollars per annum.

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

13. Justices of the Peace, 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 and actual mileage, not to exceed in any one year the sum of one hundred dollars.

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:

Twelfth class.

1. The County Clerk, three thousand two hundred and fifty dollars per annum.

2. The Sheriff, nine thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.
 4. The Auditor, one thousand dollars per annum.
 5. The Treasurer, two thousand dollars per annum.
 6. The Tax Collector, one thousand five hundred dollars per annum.
 7. The Assessor, five thousand five hundred dollars per annum.
 8. The District Attorney, two thousand seven hundred and fifty dollars per annum.
 9. The Coroner, the fees that are now or hereafter may be allowed by law.
 10. The Public Administrator, the same fees as are allowed executors for similar services.
 11. The Superintendent of Schools, fourteen hundred dollars per annum.
 12. The Surveyor, eight dollars for the first mile and six dollars for each subsequent mile in brush land, and six dollars per mile for first mile and four for each subsequent mile in clear lands.
 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 proceedings, 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.
- In counties of the thirteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:
1. The County Clerk, two thousand five hundred dollars per annum.
 2. The Sheriff, five thousand dollars per annum.
 3. The Recorder, fifteen hundred dollars per annum.
 4. The Auditor, five hundred dollars per annum.
 5. The Treasurer, two thousand dollars per annum.
 6. The Tax Collector, one thousand dollars per annum.
 7. The Assessor, three thousand two hundred dollars per annum.
 8. The District Attorney, two thousand dollars per annum.
 9. The Coroner, such fees that are now or hereafter may be allowed by law.
 10. The Public Administrator, such fees that are now or hereafter may be allowed by law.
 11. The Superintendent of Schools, nine 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 employed

Thirteenth
class.

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.

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: Fourteenth class.

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, eight thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, two thousand one hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, five thousand dollars per annum.
8. The District Attorney, two thousand one hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
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 six dollars per day for actual services.

In counties of the fifteenth 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: Fifteenth class.

1. The County Clerk, fifteen 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, twelve hundred dollars per annum.
6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, two thousand two 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, 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 may hereafter be allowed by law.

15. Supervisors, four hundred dollars each per annum.

Sixteenth
class.

In counties of the sixteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.

2. The Sheriff, seven thousand dollars per annum.

3. The Recorder, twenty-four hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, four thousand five hundred dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, fifteen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that for every mile necessarily traveled in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate, or to prison, or for mileage in any criminal case or proceeding; *provided further*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twenty-five cents in going only.

15. Supervisors, five hundred dollars each per annum.

Seventeenth
class.

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:

1. The County Clerk, three thousand two hundred and fifty 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, one thousand dollars per annum.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand two hundred and fifty dollars per annum, to include cost of all necessary maps.

8. The District Attorney, fifteen 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, seventeen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, three hundred dollars per annum, without mileage.

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 five hundred dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.

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

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, one thousand 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, fifteen hundred dollars per annum; traveling expenses not to exceed three 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 three 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.

In counties of the nineteenth class, the county officers shall

Nineteenth
class.

receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, four thousand two hundred and fifty dollars per annum.

3. The Recorder, fifteen hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, fifteen hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, eighteen hundred dollars per annum.

8. The District Attorney, fourteen 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.

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; *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 said regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided.

Twentieth
class.

In counties of the twentieth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, 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, one thousand eight 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, one thousand eight 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 dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day during the session of the Board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

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 salary, or fees, or both, now allowed, or that hereafter may be allowed them by law, respectively. Twenty-first class.

In counties of the twenty-second class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-second class.

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, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, one 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 dollars per day while in session, and twenty cents per mile for traveling from his place of residence to the county seat.

Twenty-
third class.

In counties of the twenty-third class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, four thousand dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, fifteen hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, four thousand dollars per annum, and the percentage on collection on poll taxes, and personal property tax, as hereinafter provided.

8. The District Attorney, one thousand eight 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, such fees as are now or hereafter may be allowed by law.

15. Supervisors, the sum of four dollars per day for each day employed, not to exceed in all the sum of four hundred dollars in any one year, together with twenty cents per mile for traveling from his place of residence to the county seat.

Twenty-
fourth class.

In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, eighteen hundred dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, eighteen hundred dollars per annum.

4. The Auditor, twelve hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, twelve 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, five hundred dollars per annum.

11. The Superintendent of Schools, fifteen hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, three hundred dollars each per annum, and twenty cents per mile necessarily traveled in going only from their residence to the county seat.

In counties of the twenty-fifth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office respectively, the same salaries, fees, mileage, per diem, and expenses as are now allowed or that may hereafter be allowed them by law. Twenty-fifth class.

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 their office, the following salaries, to wit: Twenty-sixth class.

1. The County Clerk, eighteen hundred dollars per annum.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, eighteen hundred dollars per annum.

4. The Auditor, twelve hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, twelve 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, five hundred dollars per annum.

11. The Superintendent of Schools, fifteen 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, three hundred dollars each per annum, and twenty cents per mile for each mile necessarily traveled in going only from their residence to the county seat.

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: Twenty-seventh class.

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, one thousand eight hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

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

7. The Assessor, twenty-four hundred dollars per annum.

8. The District Attorney, twelve 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 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, four hundred dollars each per annum and twenty cents per mile as mileage in traveling to and fro from their residence to the county seat in attending the regular sessions of the Board; providing that but one mileage shall be charged at each regular session.

Twenty-
eighth class.

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:

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, twelve hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, twelve hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, nineteen hundred dollars per annum.

8. The District Attorney, one thousand dollars per annum; and for every conviction twenty-five dollars, to the amount of five hundred dollars and no more; if any more, it goes to the county.

9. The Coroner, such fees as now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, five hundred dollars per annum, and one hundred dollars for traveling expenses.

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 or hereafter may be allowed by law.

15. Supervisors shall receive five dollars per day and ten cents per mile in traveling to and from respective residences to the county seat, and not to exceed in the aggregate four hundred dollars per annum each.

In counties of the twenty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, nine 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 dollars per day, and mileage at the rate of ten cents per mile in going to the place of meeting of the Board; *provided*, that no Supervisor shall receive more than six hundred dollars for any one year, and that only one mileage at any one term of the Board shall be allowed.

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 salary or fees, or both, now allowed or that hereafter may be allowed them by law respectively.

In counties of the thirty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand five hundred dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand 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 dollars per annum.

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

9. The Coroner, three hundred dollars per annum.

10. The Public Administrator, three hundred dollars per annum.

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, except that the Constables' mileage shall not exceed twenty-five cents per mile, counting one way only.

15. Supervisors, five dollars per day, but not to exceed five hundred dollars each per annum, and twenty-five cents per mile in going from their residence to the county seat at each meeting of the Board.

Thirty-second class.

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 :

1. The County Clerk, one thousand eight hundred dollars per annum.

2. The Sheriff, four thousand 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, two thousand dollars per annum.

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

9. The Coroner, such fees as are now or may hereafter be allowed by law.

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

11. The Superintendent of Schools, one thousand 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, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat, at each sitting of the Board of Supervisors.

Thirty-third class.

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:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, eight hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.

8. The District Attorney, one thousand two 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.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors shall receive five dollars per diem, and ten cents per mile in traveling to and from respective residences to the county seat. All of which compensation in the aggregate shall not exceed four hundred dollars per annum each.

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:

Thirty-fourth class.

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, two thousand dollars per annum.

4. The Auditor, nine hundred dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand five hundred dollars per annum.

8. The District Attorney, one thousand two hundred dollars per annum.

9. The Coroner, four hundred dollars per annum.

10. The Public Administrator, four hundred dollars per annum.

11. The Superintendent of Schools, 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 hereafter may be allowed by law.

15. Supervisors, three hundred dollars per annum.

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:

Thirty-fifth class.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, three thousand five hundred dollars per annum, including deputy.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, four hundred dollars per annum.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, one thousand 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 three hundred dollars per annum.

Thirty-sixth class.

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, one thousand six hundred dollars per annum.
2. The Sheriff, four thousand one hundred dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, one thousand one hundred and fifty dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, one thousand two hundred 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 hereafter may be allowed by law.
14. Constables, such fees as are now collected by Sheriff for similar services.
15. Supervisors, five dollars per day 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.

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 two hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, 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, one thousand two hundred dollars per annum, with commissions 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, nine hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, a per diem of five dollars, but not to exceed three hundred dollars per annum each, with mileage at ten cents per mile.

In counties of the thirty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand eight hundred dollars per annum.
2. The Sheriff, three thousand six hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, one thousand eight 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, 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.

Thirty-ninth class.

In counties of the thirty-ninth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand one hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum.

3. The Recorder, one thousand three hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand six 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, 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.

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 for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

Fortieth class.

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.

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, one thousand eight hundred dollars per annum.

8. The District Attorney, one thousand six 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, five hundred and fifty dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors shall receive five dollars per day for each day when in actual session, and mileage at the rate of ten cents per mile in traveling to and from the county seat.

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:

Forty-first class.

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, 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 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, eight hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem

and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

Forty-second class.

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:

1. The County Clerk, eight hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, six 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, twelve 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 fixed 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 may be hereafter allowed by law.

15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from place of residence to county seat, at each sitting of the Board.

Forty-third class.

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:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, two thousand five hundred dollars per annum.

3. The Recorder, eight hundred dollars per annum.

4. The Auditor, four hundred dollars per annum.

5. The Treasurer, eight hundred dollars per annum.

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

7. The Assessor, one thousand five hundred dollars per annum.

8. The District Attorney, one thousand two hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

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

11. The Superintendent of Schools, seven hundred dollars per annum.

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

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

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.

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:

1. The County Clerk, one thousand two hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, eight 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, three hundred dollars per annum.

7. The Assessor, one thousand seven hundred dollars per annum.

8. The District Attorney, one thousand one 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, six hundred and fifty 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 for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

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, 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 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.

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 dollars per day, the aggregate amount to be paid each Supervisor not to exceed three hundred dollars per year each, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the Board.

Forty-sixth class.

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:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, two thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand five hundred dollars per annum.

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

7. The Assessor, three thousand five hundred dollars per annum.

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

9. The Coroner, four hundred dollars per annum.

10. The Public Administrator, four hundred dollars per annum.

11. The Superintendent of Schools, one thousand 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, three hundred dollars each per annum.

Forty-seventh class.

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:

1. The County Clerk, eight hundred dollars per annum.

2. The Sheriff, one thousand two hundred dollars per annum.

3. The Recorder, seven hundred dollars per annum.

4. The Auditor, three hundred dollars per annum.

5. The Treasurer, six hundred dollars per annum.

6. The Tax Collector, six hundred dollars per annum.

7. The Assessor, six hundred dollars per annum.

8. The District Attorney, seven 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 and compensation 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, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Forty-eighth class.

1. The County Clerk, 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.

SEC. 164. The salaries and fees provided for in this Act shall be in full compensation for all services of every kind and description rendered by the officers therein named, their deputies, and assistants; and all deputies employed shall be paid by their principals, out of the salaries hereinbefore 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 in section three thousand eight hundred and twenty of the Political Code, Allowances to Assessor and Sheriff.

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. 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. All expenses necessarily incurred in conveying prisoners to and from the State Prison, and insane persons to and from the Insane Asylum, which shall be allowed by the Board of Examiners and collected from the State.

Fees.

SEC. 165. 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 against officers, and excepting also such fees as are a charge against the county.

Fee book.

SEC. 166. 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.

Affidavit.

SEC. 167. The fees and compensation collected and chargeable for the county in each month shall be paid to the County Treasurer on the first Monday of 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." The Treasurer shall file and preserve in his office said statements and affidavit.

Salary Fund.

SEC. 168. 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.

SEC. 169. 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.

Payment of salaries.

SEC. 170. 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.

Limitation.

SEC. 171. 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 the 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.

Services without fee.

SEC. 172. 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.

Fee receipt.

SEC. 173. 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.

Publication of legal fees.

SEC. 174. 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.

Vacancy.

SEC. 175. 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 of such services.

Incomplete business

SEC. 176. No fee or compensation of any kind must be

Fees not
receivable.

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.

Board to
audit county
charges.

SEC. 177. Accounts for county charges of every description must be presented to the Board of Supervisors to be audited, as prescribed in this Act.

County
charges.

SEC. 178. The following are county charges:

1. Charges incurred against the county by virtue of any provision of this Act.

2. The expenses necessarily incurred in the support of persons charged with or convicted of crimes and committed therefor to the county jail.

3. The sums required by law to be paid to Grand Jurors and indigent witnesses in criminal cases.

4. The accounts of the Coroner of the county for such services as are not provided to be paid otherwise.

5. All charges and accounts for services rendered by any Justice of the Peace for services in the examination of persons charged with crime, not otherwise provided for by law.

6. 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.

7. The contingent expenses necessarily incurred for the use and benefit of the county.

8. Every other sum directed by law to be raised for any county purposes under the direction of the Board of Supervisors, or declared to be a county charge.

9. The accounts of Constables rendered for the county in criminal proceedings before Justices' Courts, except when in this Act they are salaried officers.

Costs; when
a county
charge.

SEC. 179. 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.

Collection of
accrued
costs.

SEC. 180. 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 books as a charge against the treasury of his county; and the County Treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the General Fund of said county; or, if at the date of presentation there is not sufficient money in the said General Fund to pay the same, he must indorse upon said warrant, "Not paid for want of funds," and said warrant must be registered and shall draw

interest at the same rate, and be paid in the same manner, as though it had been drawn by the Auditor of the county where the indictment was found.

SEC. 181. 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 eighty-five. Act takes effect.

SEC. 182. The provisions of this Act, 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 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. Present incumbents not affected.

SEC. 183. 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 all newly created counties shall, for the purpose of fixing the salaries and fees of county and township officers, enter the class of counties having a population of five thousand and under fifty-three hundred, and shall be so classified until classified by a census as by this Act provided. Supervisors to designate class.
Salaries not affected.

SEC. 184. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

CHAPTER LXXVI.

An Act to amend the Constitution.

[Approved March 15, 1883.]

AMENDMENT TO THE CONSTITUTION.

The Legislature of the State of California, at its twenty-fifth session, commencing on the first Monday after the first day of January, A. D. eighteen hundred and eighty-three, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section seven of article nine of the Constitution of the State of California be amended so as to read as follows: Amendment.

Section 7. The Governor, Superintendent of Public

State Board
of Education
to compile
and publish
text-books.

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.

CHAPTER LXXVII.

An Act entitled an Act to grant to Boards of Health in cities and counties, the power to regulate the plumbing and drainage of buildings.

[Approved March 15, 1883.]

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

Plumbers
required to
register.

SECTION 1. Every master or journeyman plumber, carrying on his trade shall, under such rules and regulations as the Board of Health of such county, or city and county, shall prescribe, register his name and address at the Health Office of such county, or city and county; and, after the said date, it shall not be lawful for any person to carry on the trade of plumbing in any county, or city and county, unless his name and address be registered as above provided.

Publication.

SEC. 2. A list of the registered plumbers shall be published in the yearly report of the Health Office.

Board of
Health to
approve
plans.

SEC. 3. The drainage and plumbing of all buildings, both public and private, hereafter erected in any county, or city and county, shall be executed in accordance with plans previously approved, in writing, by the Board of Health of said county, or city and county; suitable drawings and description of the said drainage and plumbing shall, in each case, be submitted and placed on file in the Health Office. The said Board of Health are also authorized to receive and place on file drawings and descriptions of the drainage and plumbing of buildings erected prior to the passage of this Act.

Supervisors
to apportion
tax.

SEC. 4. The Boards of Supervisors, or other city or county officials, whose duty it is to make apportionments for the Board of Health of such county, or city and county, shall make the necessary apportionments and shall insert the same

in the yearly tax levy, to provide for carrying out the provisions of this Act.

SEC. 5. Any Court of record in said county, or city and county, or any Judge or Justice thereof, shall have power at any time after the service of notice of the violation of any of the provisions of this Act, and upon the affidavit of the Health Officer, or a member of the Board of Health of such county, or city and county, to restrain by injunction order the further violation named in this Act, or of any work upon or about the building or premises upon which the said violation exists, and no undertaking shall be required as a condition to the granting or issuing of such injunction, or by reason thereof.

Court of record may enjoin.

SEC. 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.

SEC. 7. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

[Approved March 15, 1883.]

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 Albert Jenks for the purchase of portraits of Governor George Stoneman and ex-Governors J. B. Weller, J. Neely Johnson, Romualdo Pacheco, William Irwin, and George C. Perkins, at a price not to exceed the sum of three thousand six hundred dollars; and upon the delivery of said portraits to the said Board of Examiners, the Controller shall draw his warrant on the State Treasurer in favor of Albert Jenks for the amount of the contract price; and said Treasurer is hereby instructed to pay the same.

Board of Examiners to contract.

SEC. 2. The sum of three thousand six hundred dollars, or so much as may be necessary to pay the Controller's warrant drawn under section one of this Act, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose named in section one of this Act.

Appropriation.

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

CHAPTER LXXIX.

An Act to encourage the destruction of wild animals in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

[Approved March 15, 1883.]

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

Destruction
bounty.

SECTION 1. It shall be lawful for the Board of Supervisors of each county in the State, in its discretion, to fix and determine the bounty, and such bounties shall be paid out of the General County Fund, to be paid for the destruction of each coyote, wildcat, fox, lynx, bear, and lion, and to prescribe rules for making proof of such destruction, and obtaining such bounty.

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

CHAPTER LXXX.

An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of the prevention of frauds in the same.

[Approved March 15, 1883.]

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

SECTION 1. A new section is hereby added to the Political Code, to be designated as section two thousand nine hundred and sixty-nine:

Leprosy
Fund.

2969. All moneys received by the State Controller from the office of Commissioner of Immigration shall constitute a special fund, to be designated as "The Leprosy Fund." The Commissioner of Immigration is hereby authorized and required to pay into the State treasury, monthly, in the same manner as County Treasurers account, all per capita fees collected by him, and moneys derived from fines, penalties, and forfeitures. The State Controller is hereby authorized and required to audit the salary and office expenses of the Commissioner of Immigration monthly, the same to be paid in the Controller's warrants on said Special Fund; *provided, however,* that no such account of salary and office expenses shall be audited in excess of the amount of "leprosy funds" on hand, and no liability shall accrue to the State for any deficiency relating thereto.

SEC. 2. The Commissioner of Immigration shall not ap-

point more than one deputy, and the salary of said deputy ^{Deputy.} is hereby fixed at one hundred dollars per month; and furthermore, the Governor is hereby authorized to suspend the payment for said deputy whenever the employment of the same may be deemed in his judgment unnecessary.

SEC. 3. The Commissioner of Immigration shall hold ^{Tenure.} office during the Governor's pleasure.

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

SEC. 5. This Act shall take effect immediately.

CHAPTER LXXXI.

An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

[Approved March 15, 1883.]

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

SECTION 1. There shall be established a State Board of Silk ^{Board.} Culture, consisting of nine persons appointed by the Governor from the State at large, five at least of whom shall be members of the Ladies' Silk Culture Society of California.

SEC. 2. The members so appointed shall be specially quali- ^{Members.} fied by practical experience and study of the silk industry. Each member shall hold office for the term of four years, except those first appointed, four of whom, to be determined by lot, shall retire at the end of two years, when their successors shall be appointed by the Governor.

SEC. 3. The Board may appoint and prescribe the duties ^{Secretary and Treasurer.} of a Secretary, and elect one of their own number Treasurer, both to hold office at the pleasure of the Board. The Treasurer shall give a bond to the State, approved by the Board, in the sum of ten thousand dollars, for the faithful discharge of his or her duties.

SEC. 4. The Board may receive, manage, and use dona- ^{Powers of Board.} tions or bequests for promoting silk culture in this State. The Board shall establish, as soon as practicable, a Filature or Silk Reeling School in San Francisco, Sacramento, or Stockton, wherein free instruction shall be given in silk reeling.

SEC. 5. The Secretary, in addition to performing such ^{Duties of Secretary.} official duties as the Board may direct, shall collect statistics and other information showing the condition and progress of sericulture throughout the State; correspond with various societies and individuals, both at home and abroad, who are engaged in the promotion of silk culture, and shall prepare a full report thereof, to be made to the Board annually, for their publication; and shall receive for all such services a salary not to exceed one hundred dollars per month.

SEC. 6. The Board shall biennially, in the month of Jan-
47°

Reports.

uary, report to the Legislature a detailed statement of its work. The report so made shall, under the direction of the Controller, be printed in pamphlet form, not to exceed fifty printed pages, and not to exceed two thousand copies thereof, to be distributed as the Board may direct. All printing required to be done by the Board for their official use shall be done by the State Printer.

Duties of Treasurer.

SEC. 7. The Treasurer shall hold all moneys of the Board, and pay out the same only on orders approved by the Board, and shall account therefor in his or her annual report.

Appropriation.

SEC. 8. There is hereby appropriated for the use of the State Board of Silk Culture, as set forth in this Act, out of any moneys in the State treasury not otherwise appropriated, the sum of five thousand dollars for the year commencing the first of April, eighteen hundred and eighty-three, and twenty-five hundred dollars for the year commencing the first of April, eighteen hundred and eighty-four, and the State Controller will draw his warrants upon the State Treasurer in favor of the Treasurer of the Board, as such officer, for the said sums, or any parts thereof, when they become available, upon the proper demand of said Board.

SEC. 9. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAPTER LXXXII.

An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to re-fund its indebtedness, to issue bonds therefor, and provide for the payment of the same.

[Approved March 15, 1883.]

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

Governing body may fund or re-fund.

SECTION 1. The Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, in this State, having an outstanding indebtedness evidenced by bonds or warrants thereof, are empowered, by a vote of four fifths of their number, to fund or re-fund the same, and issue bonds of such city or town therefor, in sums of not less than one hundred dollars nor more than five hundred dollars, each having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable annually, which bonds shall be substantially in the following form:

Form of bond.

No. —. The city (or town) of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said city (or town), on the — day of —, or at any time before that date, at the pleasure of the city (or town), the sum of — dollars, with interest at the rate of — per cent per annum, payable at the office of

said Treasurer annually, on the — day of —, in each and every year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the (Common Council, Board of Trustees, or other governing body, as the case may be), in conformity with a resolution of said Board, dated the — day of —.

In testimony whereof the said city (or town) by its (Common Council, Board of Trustees, or other governing body, as the case may be) has caused this bond to be signed by its (Mayor, President, Chairman, or other presiding officer of such governing body, as the case may be), and attested by the Clerk, with the seal of said city (or town) attached, this — day of —. — (Mayor, President, Chairman, or other presiding officer, as the case may be).

[SEAL.]

Attest: —, Clerk.

And the interest coupons shall be in the following form:

\$—. The Treasurer of the city (or town) of —, will pay the holder hereof, on the — day of —, —, at his office, — dollars for interest on bond No. —.

—, Clerk.

SEC. 2. Whenever bonds issued under this Act shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the Treasurer of such city (or town), 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 Common Council, Board of Trustees, or other governing body of such city (or town), on the best available terms, for any legal indebtedness of the city (or town) outstanding, 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 the said bonds are sold for money, the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the city (or town) at the date of the order directing the issuance of said bonds. When they are exchanged for bonds, or warrants, or other legal evidences of city (or town) 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 evidences of indebtedness were 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 or transferee shall notify the Treasurer of such purchase or transfer, giving at the same time the number of the bond purchased or transferred, and his Post Office address; and every sale or transfer shall be noted on the record. The Treasurer shall also report, under oath, to the Common Council, Board of Trustees, or other governing body of such city (or town), on their first regular session held in each month, a statement of all bonds sold or exchanged

Sale and exchange of bonds.

Treasurer to report.

by him since the preceding report, and the date of such sale or exchange; and when exchanged, a list or description of the city (or town) 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 the 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 Common Council, Board of Trustees, or other governing body of such city (or town). No sale shall be made of any such bonds, except to the highest bidder, after advertising for bids for the purchase of the same at least once a week for not less than three successive weeks, in at least one newspaper of general circulation published in such city (or town). They may also give such further notice as they may deem expedient, the right being reserved in such advertisement to reject any or all such bids. The Common Council, Board of Trustees, or other governing body of such city (or town) shall cause to be assessed and levied each year upon the taxable property of such city (or town), 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 proportion 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 or before the date of maturity of the bonds, shall be equal to the whole amount of 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.

Advertisement of sale.

Bond tax levy.

Redemption of bonds.

SEC. 3. 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 publish once a week for two weeks in some newspaper of general circulation published in such city (or town), if there be one, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and that if the same are not presented for redemption within thirty days after the first publication of such notice the interest on such bonds will cease. He shall at the same time deposit in the Post Office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners of such bond or bonds, at the Post Office address of such owner or owners, as shown by the record thereof kept in the Treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same whenever presented. All

redemptions of bonds shall be made according to priority in the order of their issuance, beginning at the first number.

SEC. 4. Should there remain in said Bond Fund any money after all such bonds shall have been redeemed, the balance so remaining shall be paid into the General Fund of such city (or town), and become a part thereof.

CHAPTER LXXXIII.

An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction, for the thirty-third fiscal year.

[Approved March 15, 1883.]

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

SECTION 1. The sum of one hundred and fifty-eight dollars and fifteen cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction for the thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXIV.

An Act to appropriate the sum of three thousand three hundred dollars for the purpose of paying the rent of the Hastings College of Law, San Francisco.

[Approved March 15, 1883.]

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

SECTION 1. The sum of three thousand three hundred dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the claim of the Society of California Pioneers for rent of rooms for the use of the Hastings College of Law; being for three years, viz.: commencing July first, eighteen hundred and eighty, and ending July first, eighteen hundred and eighty-three.

SEC. 2. The Controller of State is directed to draw his warrant in favor of said Society of California Pioneers for the sum of thirty-three hundred dollars, payable out of the General Fund in the State treasury.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXV.

An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

[Approved March 15, 1883.]

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

Appropriation.

SECTION 1. The sum of one hundred and twelve dollars and eighty-five cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVI.

An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

[Approved March 15, 1883.]

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 said Code, to be called section three thousand seven hundred and one, and to read as follows:

Salary.

3701. The salary of the Clerk of the State Board of Equalization is twenty-four hundred dollars per annum.

SEC. 2. So much of section three thousand seven hundred of said Code as conflicts with this Act is repealed.

CHAPTER LXXXVII.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

[Approved March 15, 1883.]

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

SECTION 1. The sum of nine hundred and seventy-six dollars and fifty-five cents is hereby appropriated out of any

money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year, arising from the expenses of criminal trials and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVIII.

An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture, and purchase of carpets, for thirty-fourth fiscal year.

[Approved March 15, 1883.]

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

SECTION 1. The sum of one thousand dollars (\$1,000) is appropriated out of the General Fund in the State treasury to pay a deficiency in the appropriation for repairs to State Capitol building and furniture, and purchase of carpets, for the thirty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXIX.

An Act providing for submitting to a vote of the qualified electors of a county or city and county a proposal to issue bonds.

[Approved March 15, 1883.]

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

SECTION 1. Any county or city and county in which the Board of Supervisors may declare by resolution, that the income and revenue provided for it for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, will not be sufficient to carry on the government of such county or city and county until the commencement of the fiscal year beginning July first, eighteen hundred and eighty-three, may, by resolution adopted by a majority of such Board, and with the approval of the presiding officer thereof, submit to a vote of the qualified electors of such county or city and county a proposition to issue the bonds of such county or city and county in a sum not to exceed five hundred thousand dollars, in accordance with section eighteen, of article eleven, of the Constitution of the State of California.

SEC. 2. The said Board of Supervisors are granted full

Supervisors to issue and negotiate.

power and authority to provide by ordinance for the printing, signing, custody, redemption, and issuance of all bonds under the provisions of this Act, and for their negotiation, sale, or exchange for cash, or for county or city and county indebtedness; *provided*, that said bonds shall not be sold below par.

Sinking Fund created.

SEC. 3. Before any election is held to determine the question of the issuance of said bonds, the Board of Supervisors may provide by ordinance for the collection of an annual tax sufficient to pay the interest on any bonds which may be issued under the provisions of this Act, as said interest falls due, and also to constitute a Sinking Fund to pay the principal of said bonds at a time to be fixed by said Board of Supervisors, not more than twenty years from the date of the passage of said ordinance.

Calling of election.

SEC. 4. Whenever the said Board of Supervisors shall, by resolution, so request, it shall be the duty of all officers, Boards, and Commissioners, to call an election as herein, and by said Board of Supervisors provided for, and at the time (which shall not be less than ten days) provided for by said Board of Supervisors; and at said election the registers used at the last general or special election shall be used without new registration.

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

CHAPTER XC.

An Act to prevent the introduction of contagious or infectious diseases into the State of California.

[Approved March 15, 1883.]

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

Railroad cars to be inspected.

SECTION 1. Whenever there shall exist, in the opinion of the State Board of Health, imminent danger of the introduction of contagious or infectious diseases into the State of California, by means of railroad communication with other States, the said State Board of Health are authorized, and it is hereby made their duty, to make or cause to be made, by an accredited agent or inspector, an inspection of all railroad cars coming into the State at such point, or between such points within the State limits as may be selected for the purpose.

Detention of train a minimum.

SEC. 2. Such inspection shall be made, where practicable, during the ordinary detention of a train at a station, or while in transit between stations, and in all cases shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies, so far as consistent with the purposes of this Act.

SEC. 3. Should the discovery be made of the existence among the passengers of any case or cases of dangerous

contagious or infectious disease, the said Board of Health, or their agent or inspector, under rules and conditions prescribed by them as being applicable to the nature of the disease, shall have power to cause the side-tracking or detention of any car or cars so infected, to isolate the sick or remove them to a suitable place for treatment, to establish a suitable refuge station, to cause the passengers and materials in such infected car to be subjected to disinfection and cleansing before proceeding further into the State, and, in the case of smallpox, to offer free vaccination to all persons exposed in any car or at any station.

Infected cars to be side-tracked.

SEC. 4. The sum of five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended solely for the purposes of this Act, and all expenditures herein authorized shall be specified in an itemized account to be presented to the State Board of Examiners, and paid as other demands on the treasury are paid; *provided*, that in no case shall the sum expended exceed that herein specially appropriated for the purpose.

Appropriation.

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

CHAPTER XCI.

An Act to add a new section to the Penal Code, to be known as section thirteen hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

[Approved March 15, 1883.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be known as section thirteen hundred and eighty-eight, and to read as follows:

1388. Final judgment may be suspended on any conviction, charge, or prosecution for misdemeanor, or felony, wherein the judgment of the Court in which such proceeding is pending there is a reasonable ground to believe that such minor may be reformed, and that a commitment to prison would work manifest injury in the premises. Such suspension may be for as long a period as the circumstances of the case may seem to warrant, and subject to the following further provisions: During the period of such suspension, or of any extension thereof, the Court or Judge may, under such limitations as may seem advisable, commit such minor to the custody of the officers or managers of any strictly non-sectarian charitable corporation conducted for the purpose of reclaiming criminal minors. Such corporation, by its officers or managers, may accept the custody of such minor for a period of two months (to be further extended by the Court or Judge should it be deemed

Final judgment may be suspended.

advisable), and should said minor be found incorrigible and incapable of reformation, he may be returned before the Court for final judgment for his misdemeanor. Such charitable corporation shall accept custody of said minor as aforesaid upon the distinct agreement that it and its officers shall use all reasonable means to effect the reformation of such minor, and provide him with a home and instruction. No application for guardianship of such minor by any person, parent, or friend shall be entertained by any Court during the period of such suspension and custody, save upon recommendation of the Court before which the criminal proceedings are pending first obtained. Such Court may further, in its discretion, direct the payment of the expenses of the maintenance of such minor during such period of two months, not to exceed, in the aggregate, the sum of \$25 (twenty-five dollars), which sum shall include board, clothing, transportation, and all other expenses, to be paid by the county where such criminal proceeding is pending, or direct action to be instituted for the recovery thereof out of the estate of said minor, or from his parents. Such Court may also revoke such order of suspension at any time.

Court may pay maintenance expense.

CHAPTER XCII.

An Act to pay the claim of Hiram Clock.

[Approved March 15, 1883.]

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

Appropriation.

SECTION 1. The sum of two hundred and forty dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the claim of Hiram Clock, and the Controller is hereby directed to draw his warrant for the amount, and the Treasurer is authorized to pay the same.

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

CHAPTER XCIII.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

[Approved March 15, 1883.]

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

Appropriation.

SECTION 1. The sum of three thousand eight hundred and ninety-eight dollars and twenty-two cents is hereby appropriated out of any money in the State treasury not

otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year, arising from the expenses of criminal trials, and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIV.

An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

[Approved March 15, 1883.]

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

SECTION 1. The sum of eighteen dollars and five cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year. ^{Appropriation.}

SEC. 2. This Act shall take effect immediately.

CHAPTER XCV.

An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

[Approved March 15, 1883.]

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

SECTION 1. The sum of fourteen hundred and seventy-one dollars and ninety-three cents is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year, arising from the expenses of criminal trials, and guarding and keeping convicts, incurred under section one hundred and eleven of the Penal Code. ^{Appropriation.}

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVI.

An Act to appropriate money for the support of aged persons in indigent circumstances.

[Approved March 15, 1883.]

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

Per capita amount.

SECTION 1. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to each and every institution in this State conducted for the support and maintenance of aged persons in indigent circumstances, and either solely for that purpose or in connection with the support and maintenance of minor orphans, half orphans, and abandoned children, aid as follows: For each aged person in indigent circumstances supported and maintained in any such institution, the sum of one hundred dollars per annum.

Date.

SEC. 2. The aid hereby granted shall commence on the first Monday in July, eighteen hundred and eighty-three, and shall be paid in semi-annual installments, commencing on the first Monday in January, eighteen hundred and eighty-four.

Record book.

SEC. 3. *First*—It shall be the duty of every institution entitled to aid under this Act to keep a book in which shall be entered the date of admission, name, age, sex, and place of birth of each and every aged person in indigent circumstances, who is or hereafter may be received or admitted in such institution, and the date of discharge of such person, when such discharge is made, the property or estate, if any, owned by such person, and the insurance, if any, on his or her life, whether married or single; if married and a female, the name and residence of the husband, if living, when they came to California, and habits of sobriety.

Account book.

Second—Every such institution shall also keep a book entitled "Monthly Accounts," in which shall be entered on the debtor side all moneys received from any and all sources, for or on behalf of such aged indigent persons, with the date of such receipt segregated under the proper heads. On the credit side shall be entered all disbursements made on account of such aged indigent persons; specifying for what purpose made, and the amounts entered in detail so disbursed, segregated under their proper heads.

Payroll.

Third—A payroll shall also be kept of the employés, and the amounts disbursed to each.

Board of Examiners to examine books.

Fourth—A transcript of such books and payroll, verified under oath by the manager or persons in charge of such institution entitled to or claiming State aid under this Act, shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claim for State aid, covering the time for which such claim for State aid is made, and a list of all the inmates (other than the employés or officers, minor orphans, half orphans, and aban-

doned children), supported wholly or in part by any institution claiming State aid under this Act, shall be forwarded with such claim for aid; *provided*, always, that when such institution claiming State aid under this Act shall support and maintain minor orphans, half orphans, and abandoned children, and claim State aid for them under the Act approved twenty-fifth March, eighteen hundred and eighty, entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," the same book of monthly accounts required by said named Act may contain the accounts required to be kept by this Act, and that one transcript, and payroll, and claim for aid, embracing the requirements of the Act above referred to as to orphans, half orphans, and minor children, and the requirements of this Act as to aged and indigent persons, may be made and furnished to the State Board of Examiners.

Fifth—Said books shall be open at all times to the inspection of the State Board of Examiners, or by any person authorized by them to examine the same, or by any committee of the Legislature, or Clerk thereof duly authorized so to do. Books open to inspection.

SEC. 4. The State Board of Examiners are authorized, on behalf of the State, at any time to inquire, either in person or by authorized agent, into the management of any such institution, and any such institution refusing, upon due demand, to permit such inquiry, shall not thereafter receive any aid under this Act. All expenses incurred in visiting such institutions shall be audited and allowed by the State Board of Examiners out of the appropriations for the support of aged persons in indigent circumstances, under this Act.

SEC. 5. Every claim for aid under this Act shall be presented to and audited and allowed by the State Board of Examiners. Such claim shall contain: Presentation of claims.

First—The name and location of the institution making the claim;

Second—The name of the person having control thereof;

Third—The number of aged persons in indigent circumstances therein;

Fourth—The date of admission, and age of each;

Fifth—The amount, if any, that the institution is receiving for the specific support of any such aged indigent person. Such claim, and the statements therein contained, shall be verified by the oath of the person or persons, or some of them in charge of such institution, and the Board of Examiners may, in their discretion, require the production of the books of such institution in support of such claim.

SEC. 6. If such claim be audited and allowed, in whole or in part, it shall be the duty of the Controller to draw his warrant for the amount thereof in favor of such institution, if a corporation, or if not, of the person or persons in charge thereof, and it shall be the duty of the Treasurer to pay the same on presentation. Warrants.

SEC. 7. In order that the provisions of this Act shall not be abused, it is hereby declared:

Limitations. *First*—That no institution which has less than ten aged indigent persons shall be deemed entitled to aid under this Act.

Second—That no person under the age of sixty years shall be deemed an aged person in indigent circumstances within the meaning of this Act.

Third—That no person for whose specific support there is paid to any such institution the sum of fifteen dollars or more per month, shall be entitled to aid under this Act.

Fourth—No institution not under the exclusive control of the State shall receive any aid under the provisions of this Act, unless such institution shall own in its corporate name real property devoted to the support and maintenance of aged persons in indigent circumstances, either solely or in connection with orphans, half orphans, and abandoned children, of the value of not less than fifteen thousand dollars.

SEC. 8. That no money appropriated by the State under this Act shall be expended either in improvements or in the erection of new buildings by such institution.

APPROPRIATION VETO.

In the General Appropriation Act, page seventy-three, the item allowing nine thousand six hundred dollars for contingent expenses of the Controller's office, was vetoed by the following message sent in by the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 9, 1883. }

To the honorable the Assembly of the State of California:

MR. SPEAKER: I have duly considered Assembly Bill No. 77—"An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—and have approved the same, except the following item therein, viz.: "For contingent expenses of the Controller's office, nine thousand six hundred dollars." The said item is excessive, and provides for more money than is required for the contingent expenses of the Controller's office. I suppose the item was inserted at the above figure through an error in engrossing or enrolling the bill. The sum of two hundred dollars is all that is required or asked for by the Controller. I therefore disapprove of the above item, and leave the matter with the Legislature for such action as it may think proper to take.

GEORGE STONEMAN, Governor.

The veto was sustained by the Assembly, without a dissentient vote.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

CHAPTER I.

Senate Concurrent Resolution No. 4, relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River, from the head of navigation at Napa City to Mare Island.

[Adopted January 22, 1883.]

WHEREAS, A large and growing commerce now exists between Napa City and adjacent country, including the principal mining, agricultural, and commercial interests of Lake County, and San Francisco, the commercial center of this State; and whereas, the said interests are dependent upon the navigation of Napa River to secure cheap, safe, and regular transportation of all kinds of mineral, vinicultural, and agricultural products of said sections, and of all kinds of merchandise between the said City of San Francisco and said country, and as a means of securing competition in the rates of freight with the great railroad system of California; and whereas, the navigation of said river, between the head of navigation thereof at Napa City, in Napa County, and Mare Island, in Solano County, is now dangerous, irregular, and uncertain, because of snags, bars of sediment, and other obstructions existing therein; Preamble.

Resolved by the Senate, the Assembly concurring, That the Senators and Representatives of the State of California in the Congress of the United States be and they are hereby requested to use all honorable means to procure an appropriation from the Congress of the United States of the sum of twenty thousand (\$20,000) dollars, to be expended in the proper dredging and removing of sediment, snags, and other obstructions from the said Napa River, and for straightening the channel of said river and making the same safe and susceptible of easy navigation from a point in said river opposite the Vernon Mills at Napa City, to Mare Island, opposite Vallejo, in Solano County. Requesting Congress to appropriate money for the improvement of Napa River.

Resolved, That his Excellency the Governor of California be and he is hereby requested to forward a copy of these resolutions to each of the Senators and Representatives in Congress from this State.

CHAPTER II.

Senate Concurrent Resolution No. 7, relative to the State Engineer devising a permanent plan for the disposition of the sewerage of the Deaf, Dumb, and Blind Asylum, and State University, in Alameda County.

[Adopted January 25, 1883.]

Disposition
of sewerage
of Deaf,
Dumb, and
Blind Asy-
lum, and
State
University.

Resolved by the Senate, the Assembly concurring, That the State Engineer be and he is hereby instructed to proceed immediately to the location of the Deaf, Dumb, and Blind Asylum, and the State University, in Alameda County, and examine the same, with the view of devising a permanent plan for the disposition of the sewerage of those institutions, and to report as soon as possible to this Legislature a plan of said work, with a detailed estimate of the cost thereof.

CHAPTER III.

Senate Joint Resolution No. 1, asking Congressional action on behalf of the University of California.

[Adopted February 1, 1883.]

Preamble.

WHEREAS, The Act of Congress, approved July 2, 1862, donating one hundred and fifty thousand acres of public land to the State of California for an Agricultural and Mechanic Arts College (which donation was by said State conferred upon said University of California), required the investment of funds obtained from the sale of said lands, in safe stocks, yielding not less than five per centum upon the par value of said stocks; and whereas, in the present situation of financial affairs in this State it is impossible to comply with said conditions; be it

Congress
asked to
grant the
Regents of
the Univer-
sity power to
invest funds.

Resolved by the Senate and Assembly of the State of California, That our Senators be instructed and our Representatives be requested to use their best endeavors to have a law passed allowing the Regents of the University of California to invest said funds in the safest and best possible manner; and be it further

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of the Senators and Representatives in Congress from the State of California.

CHAPTER IV.

Assembly Concurrent Resolution No. 13.

[Adopted February 9, 1883.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence and utmost endeavors in Congress to procure such legislation as may be necessary to restore to the Government all the public lands hitherto withdrawn from settlement or sale for the benefit of railroads in this State in all cases where such lands have not been earned by the roads for which such withdrawal were made.

Restoration to the Government of public lands withdrawn from settlement or sale for railroads.

Resolved, That his Excellency the Governor cause a copy of these resolutions to be immediately forwarded to each of our Senators and Representatives in Congress.

CHAPTER V.

Assembly Concurrent Resolution No. 15, concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties, California.

[Adopted February 9, 1883.]

WHEREAS, A controversy exists between the Southern Pacific Railroad Company and the settlers of the Mussel Slough District, in Tulare and Fresno Counties, as to the title to the odd numbered sections of land claimed by the railroad company, but settled upon, improved, held, and made valuable by the occupants; and whereas, this controversy has already eventuated in a tragedy in which eight citizens lost their lives, and in the imprisonment of five men believed by the great majority of the people to be innocent of crime; and whereas, it is of vital importance to the State that the question of title over which this bloody tragedy occurred shall be settled for all time; and whereas, the settlers aforesaid claim that the said railroad company never had authority to build its road, and never was granted land to aid in its construction on its present line or within more than one hundred miles from where this tragedy occurred; and whereas, the said settlers insist that the patents issued by the Federal Government to the said railroad company are therefore voidable because of error or fraud in their procurement; and whereas, the said settlers assert that the withdrawal of these lands from settlement was in violation of law, and that they were thereby denied the right to file in the Land Office their pre-emption and homestead claims, and are also denied the right to attack in their own names the patents which

Preamble.

they allege should belong to them, but which are held by said railroad company; and whereas, one of the highest duties devolving upon a government is the protection of its citizens in all their rights; and whereas, the right to home and fireside is the dearest of all rights of man, as it tends to bind closer the ties of family, upon which States are built and the welfare and happiness of the people thereof depend; and whereas, when the citizen of the State is unable to institute in the Courts proceedings for his own protection, it is the duty of the State to see to it that the barred door of justice be unlocked to his complaint, in order that it may be heard upon its merits; therefore,

Attorney-General requested to begin suit to set aside patents.

Resolved by the Assembly, the Senate concurring, That, in the name of the State of California, the Attorney-General of the United States be requested to at once authorize the Attorney-General of the State of California to commence proceedings in the name of the Federal Government to set aside the patents held for these lands by the Southern Pacific Railroad Company, to the end that the respective rights of the people who settled upon and improved these lands by virtue of and under the laws of the United States, as well as of the said railroad company, may be litigated, tried, and determined.

Compliance of U. S. Attorney-General desired.

Resolved, That our Senators and Representatives in Congress, including our Congressmen elect, be requested to use all honorable means, either by personal application or by action of Congress, to secure on the part of the Attorney-General of the United States compliance with these resolutions.

Governor to send copy.

Resolved, That his Excellency the Governor of the State of California be requested to send a duly certified copy of this resolution to the Attorney-General of the United States, and to our Senators and Representatives in Congress and Congressmen elect.

CHAPTER VI.

Assembly Concurrent Resolution No. 1, relative to the law restricting Chinese immigration and its construction by officers of the General Government.

[Adopted February 9, 1883.]

Preamble. WHEREAS, By the late decisions of officers of the General Government, the spirit and intent of the law restricting Chinese immigration have been violated and set aside, thereby permitting Chinese subjects to enter the United States for the purpose, apparently, of passing through the country on their way to China, but there being nothing to prevent their stopping while in transit, the objects of the law will be defeated and our State be again subject to a renewed invasion by that undesirable class of people; therefore,

Resolved by the Assembly, the Senate concurring, That we request our Senators and Representatives in the Congress of the United States, to enter a protest upon the part of the State of California against such construction of the said law; and also request them to do all acts necessary to make such additional provisions to said bill which will prevent the attempted abrogation of the spirit and intent of said law.

Requesting Congressional Representatives to protest.

Be it further resolved, That the Governor of this State be and he is hereby requested to transmit a copy of the above preamble and resolution and forward the same to each Senator and Representative in Congress from the State of California.

Governor to send copy.

CHAPTER VII.

Assembly Concurrent Resolution No. 27, relative to requesting our Senators and Representatives in Congress to use all honorable means to defeat the bill now pending in Congress for the purpose of allowing the Southern Pacific Railroad to be merged with other railroads.

[Adopted February 9, 1883.]

WHEREAS, There is now pending in the Congress of the United States a bill for the purpose of allowing the Southern Pacific Railroad to consolidate and merge its powers with any other company or companies; and whereas, the direct effect of such a bill becoming a law would be to change said Southern Pacific Railroad from a State into a Federal corporation, and to exempt said Southern Pacific Railroad from State control; and whereas, the effect of such a law would be disastrous to the best interests of the State of California; therefore be it

Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress are requested to use all honorable means to accomplish the defeat of said bill, and

Request to Congressional Representatives to oppose Southern Pacific Railroad Bill.

Be it further resolved, That the Secretary of State be and he is hereby instructed to forward, by telegraph, to each Senator and Representative of the State of California at Washington the contents of this resolution.

CHAPTER VIII.

Assembly Concurrent Resolution No. 7, relative to bills which take effect immediately after they are approved by the Governor.

[Adopted February 12, 1883.]

Resolved by the Assembly, the Senate concurring, That one copy of every law taking immediate effect, in any way refer-

Distribution
of laws
taking
immediate
effect.

ring to Courts of justice or judicial offices, or to criminal or civil procedure, shall, immediately after the approval of the same by the Governor, be forwarded by the Secretary of State to each Superior Judge, District Attorney, and County Clerk of the State of California, and that the State Printer be and is hereby directed to deliver to the Secretary of State two hundred copies of all bills as aforesaid for distribution, pursuant to this resolution.

CHAPTER IX.

Assembly Concurrent Resolution No. 11, relative to the State Board of Harbor Commissioners and the Board of Pilot Commissioners.

[Adopted February 21, 1883.]

Investiga-
tion of
Harbor and
Pilot Com-
missioners.

Resolved by the Assembly, the Senate concurring, That the joint Committees on Commerce and Navigation be and are hereby instructed to institute an investigation into all the official acts of the Board of State Harbor Commissioners and the Board of Pilot Commissioners; and also to inquire into the question of towage and towage rates, and all other matters relative to the injury to the commerce of the State. For the purposes of such investigation, said joint committee is hereby empowered to take the testimony of witnesses, to administer oaths, and to examine all books, papers, and documents touching upon the subject-matter of inquiry, and said joint committee is hereby required to report to this Assembly at its earliest convenience the results of said investigation and inquiry.

CHAPTER X.

Assembly Concurrent Resolution No. 16, relative to forfeiture of lands granted to railroads, and their restoration to the public domain.

[Adopted February 24, 1883.]

• Preamble.

WHEREAS, Many millions of acres of the public domain were granted by the Congress of the United States to aid in the construction of railroads, upon terms and conditions which have not been complied with, thus leaving them unearned, and the property, not of the railroads, but of the Government; and whereas, public policy and manifest right make it obligatory that these lands, now improperly held as subject to the conditions of pending grants, be opened to preëmption and homestead by the homeless thousands of American citizens who so sorely need them; and whereas, notwithstanding the failure of the railroads to construct and complete their various lines within the time and upon the conditions set forth in the several Acts of Congress making these grants, the Land Department of the General

Government has, in contradiction of its rulings in all other matters relating to public lands, held that, although the right of the railroads to the lands is violated and lapsed, it is essential to the restoration of the lands to the public domain that action by Congress be had to authorize the restoration; and whereas, a popular demand has gone up all over the country for such action as may be necessary to open this great area of States to the use of the coming millions who will people them with the homes upon which all Governments lean for protection and support; therefore,

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives elect and elected be requested, at the earliest possible moment to introduce and press to passage an Act for the restoration to the public domain of all the land granted to the Southern Pacific, the Atlantic and Pacific, and the California and Oregon railroads, within the State of California, together with all lands patented after the date for the completion of the various roads set forth in the granting Acts, as well as those patented upon routes other than those specified in the articles of association on file in the office of the Secretary of State of the State of California, designating the line upon which they had authority to build a railroad.

Forfeiture of railroad lands and their restoration.

Resolved, That the Governor be requested to forward to each of our members of Congress elect and elected a duly certified copy of this resolution.

CHAPTER XI.

Assembly Concurrent Resolution No. 31, relative to the appointment of a Commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler.

[Adopted February 26, 1883.]

Resolved by the Legislature of the State of California, the Assembly and Senate concurring, as follows:

WHEREAS, It should be the duty of the State to preserve Preamble. from destruction, and reserve for the health, pleasure, and recreation of its citizens and tourists, the most noted, attractive, and available features of its natural scenery; and whereas, in the rapidly proceeding denudation of the forests on the shores of Lake Bigler, the State is losing one of its most attractive features for tourists, and available, valuable, and pleasant resorts for residents; and whereas, it is right and expedient that the Legislature of this State should be informed whether any desirable plan can be adopted whereby the natural beauty of the California shore of Lake Bigler can be saved from the threatened total defacement, and the wooded shores be preserved to

the people forever for their benefit, health, and pleasure; therefore, be it

Commission to investigate forest preservation at Lake Bigler.

Resolved, That the Governor of this State be directed to appoint a Commission of three citizens of this State, who shall inquire into the feasibility of such plan, and report to the Governor before the meeting of the next Legislature the result of their inquiry, with any and all suggestions and recommendations their investigations may suggest; *provided*, that the members of such Commission shall serve without pay or any remuneration whatever, nor incur against the State any expense whatever, except for the salary of one Secretary, such salary not to exceed in the aggregate three thousand dollars during the term of the Commission, and that the existence of the Commission shall cease from and after the date of its report to the Governor.

Resolved, That the Governor be directed to inform the Governor of the State of Nevada of the passage of these resolutions.

CHAPTER XII.

Assembly Concurrent Resolution No. 48, relative to the contest now existing between the Los Bolsas land grant and two hundred settlers claiming under the Rancho Santiago de Santa Ana, as to the boundaries between said grants.

[Adopted February 27, 1883.]

Preamble.

WHEREAS, As controversy has existed since eighteen hundred and seventy-two between the Los Bolsas land grant and two hundred settlers claiming under the Rancho Santiago de Santa Ana, as to the boundaries between said grants; and whereas, many years have elapsed since the submission of the case to the Secretary of the Interior, and three different Secretaries have been in office and as yet no decisions have been rendered; and whereas, the delay is ruinous to the two hundred settlers on said lands, and daily their lives are endangered in the protection of their property; therefore,

Los Bolsas land grant contest

Resolved by the Assembly, the Senate concurring, That the honorable Secretary of the Interior Teller be and he is hereby respectfully requested to consider said matter and render his decision on the points of the case at as early a date as convenient; and further

Resolved, That the Governor be requested to communicate with the Secretary of the Interior the contents of this resolution.

CHAPTER XIII.

Assembly Concurrent Resolution No. 47, relative to the mail service between the United States, New Zealand, and Australia.

[Adopted February 28, 1883.]

WHEREAS, The line of mail steamships now covering the route between San Francisco, New Zealand, and Sydney, New South Wales, via Honolulu, has been of great advantage to our country, and especially so to the Pacific Coast thereof; and whereas, this steamship line has been maintained mostly by the assistance of payments made by the above named colonies for carrying the mails, the contracts for such payments terminating in November next; therefore, be it

Preamble.

Resolved, That this Legislature urges upon Congress the necessity, in the interest of American commerce, and as a matter of equity to our colonial neighbors, who have thus far borne the expense of this mutually beneficial mail service, of assisting in its maintenance by such liberal payment for the carriage of the New Zealand and Australian mails as their wisdom may suggest, having in view the benefit we receive from the regular commercial intercourse afforded thereby, as well as by the increasing tide of travel from the colonies through our country to Europe.

Recommendation to Congress concerning New Zealand and Australian mail service.

Resolved, That his Excellency the Governor be requested to forward by telegraph to the President pro tem. of the United States Senate and the Speaker of the House of Representatives a copy of the foregoing resolutions, with the request that they consider and take action upon the same immediately.

CHAPTER XIV.

Assembly Concurrent Resolution No. 51, in relation to forests.

[Adopted March 2, 1883.]

WHEREAS, It is becoming a conceded fact that countries which were once covered with forests, have, with the loss and removal thereof, been subjected to climatic changes injurious in effect upon the welfare of their inhabitants and on the productiveness of the soil; and whereas, our forests in this State are being destroyed with such a rapidity as to cause the people to have just grounds to fear that the experience of other lands may in time visit its injurious influences upon us; and whereas, judging from the interest taken in the subject by our State Mineralogist, we believe that he is a suitable person to submit to the Legislature of California, at its twenty-sixth session, such recommendations, and draft such laws as the experience of other

Preamble.

countries and States have deemed necessary and expedient in the premises; therefore, be it

State
Mineralogist
requested to
report.

Resolved by the Assembly, the Senate concurring, That he is hereby requested so to do by report to the Senate and Assembly on or before the meeting of the twenty-sixth session of the Legislature.

CHAPTER XV.

Assembly Concurrent Resolution No. 20, relative to directing the Governor to fix the compensation for services rendered by Captain John Mullan, in collections of claims due the State from the United States.

[Adopted March 3, 1883.]

Preamble.

WHEREAS, The Governor and State Surveyor-General of this State have heretofore respectively appointed Captain John Mullan, of San Francisco, California, agent and attorney to represent the interests of the State of California before the proper authorities of the United States, at Washington, D. C., in the matter of the claim of this State to the five per cent net proceeds of the sales of the public lands by the United States in this State; and also in the matter of the direct tax levied upon this State by the United States, under the Act of Congress of August sixth, eighteen hundred and sixty-one; and also of her claim arising during the Modoc war in eighteen hundred and seventy-two; and also under the provisions of the Act of Congress of June twenty-seventh, eighteen hundred and eighty-two; therefore, be it

Confirmation
of
appointment
and
compensation

Resolved by the Assembly of California, the Senate concurring, That the appointments so conferred upon Captain John Mullan by the Governor and Surveyor-General, respectively, are hereby ratified and confirmed, and the Governor of this State be and he is hereby authorized and directed to fix the compensation for the services by Captain John Mullan heretofore and that may be by him hereafter rendered, at twenty per cent of each of the sums or claims that may be by him collected from the United States, and to pay to him such per cent out of the moneys that may be collected by him and paid to this State on account of each of the foregoing matters, respectively; *provided, however,* that this State shall not in any event become liable for any expenses, fees, and salaries of any nature whatever, other than such contingent commission.

Controller to
deliver
vouchers.

SECTION 2. That the Controller of the State of California be and he is hereby authorized to deliver to Captain John Mullan, or to his authorized agent, all the original vouchers, certificates, and papers of every kind and nature against the Government of the United States, for or on account of each of the foregoing matters, respectively.

SEC. 3. That said Controller shall prepare and take from Captain John Mullan, or from his authorized agent, a receipt in writing, bound in a book, same as he keeps in his office for all such papers as aforesaid, and which shall show what the papers are in each case, the date thereof, by what Board of Examiners passed, the amount and date of the warrant, and in whose favor drawn.

Controller to take receipt.

CHAPTER XVI.

Assembly Concurrent Resolution No. 50, relative to instructing the State Engineer to report to the Governor, on or before the first day of January, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

[Adopted March 3, 1883.]

Resolved by the Assembly, the Senate concurring, That the State Engineer be and he is hereby instructed to submit to the Governor, on or before the first day of January, eighteen hundred and eighty-four, all that portion of his report on the irrigation investigation, which properly should be considered in the framing of laws relating to irrigation and water right matters; that the Governor be and he is hereby requested to cause fifteen hundred copies of this report to be printed and distributed throughout the State, but more especially within the region where irrigation is a necessity; that the Attorney-General, and the State Engineer, shall thereafter, under the direction of the Governor, and with his advice and consultation, jointly consider the subject of legislation on the matter of irrigation, prepare a draft of a bill or bills, or code of laws, such as may be suitable to foster and regulate irrigation interests under the Constitution of this State and of the United States, and the decisions of the Courts thereof; that they shall, on or before the first day of September, eighteen hundred and eighty-four, submit to the Governor a report embodying the results of their consideration of the subject, and a draft of a bill or bills, or code of laws, on the subject of irrigation, which they may recommend to be passed, and shall severally state their reasons for their conclusions; that the Governor be and he is hereby requested to cause three thousand copies of this report to be printed, two thousand copies of which to be distributed throughout the State during the month of September, eighteen hundred and eighty-four, and one thousand copies to be transmitted to the Legislature, with such recommendations as the Governor may see fit to make, at the time of its next meeting; that in the performance of their joint duties aforesaid, the Attorney-General and State Engineer may visit the principal irrigation regions in the State, and take steps to ascertain the necessities, views, and wishes of the people engaged in, dependent on, or whose interests are affected by the practice of irrigation.

State Engineer instructed to report.

Distribution of report of Attorney-General and Engineer.

CHAPTER XVII.

Assembly Joint Resolution No. 1, relative to requesting our Congressmen to aid in the passage of the Mexican veteran pension bill.

[Adopted March 7, 1883.]

Preamble.

WHEREAS, The Congress of the United States has pending before it a bill contemplating the enrollment of all veterans of the Mexican war on the Government pension list; and whereas, the rank and file of that army is fast disappearing, and the remnant is generally poor and needy, and their services have heretofore remained unrecognized by the country; therefore, be it

Senators requested to enact.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That our Senators in Congress be instructed and our Representatives be requested to use every effort within their power to have enacted the measure now pending, or such other law as will insure to the Mexican veterans that recognition among the pensioners of the country that will be commensurate with their patriotic services.

Protection of pension appropriation.

Resolved, That viewing as we do with fear and alarm the criminal manner with which the moncoys appropriated for pension purposes have been paid to fraudulent claimants during the past few years, thereby depriving the soldiers of the country of their meager but just compensation, we therefore call upon and earnestly request our Senators and Representatives in Congress to aid in the enactment of such measures as will protect the pension appropriation to the exclusive use and benefit of those for whom it is designed by the laws—the soldiers of the Republic.

Resolved, The Governor of the State be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER XVIII.

Assembly Concurrent Resolution No. 52, relative to requiring the State Board of Examiners to examine into the claim of Esther H. Dennis, the widow, and the other heirs of William E. Dennis, deceased, and to report thereon to the Legislature at its next session.

[Adopted March 7, 1883.]

Preamble.

WHEREAS, It appears from the petition of Esther H. Dennis, that she, together with the other heirs of the late William E. Dennis, claims to have sustained damage by the action of the State, and to be justly entitled to compensation therefor; and whereas, it is too late in the session for the same to be now investigated;

Resolved, That the State Board of Examiners be requested to examine into such claim, and to report thereon to the Legislature at its next session, in order that such action may be had thereon as may be deemed just and proper.

Examiners
requested to
investigate.

CHAPTER XIX.

Senate Concurrent Resolution No. 15, relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts toward securing the promotion of Lieutenant W. I. Reed, U. S. A.

[Adopted March 8, 1883.]

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress requested to use their best efforts to procure the appointment of First Lieutenant W. I. Reed as Captain and Assistant Quartermaster in the Army of the United States, to the first vacancy that shall occur.

Appoint-
ment of
W. I. Reed.

Resolved, That his Excellency the Governor of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAPTER XX.

Senate Concurrent Resolution No. 21, relative to requesting the Secretary of the Interior to quiet the disputed titles to the land included in the El Sobrante Grant, in Contra Costa County.

[Adopted March 8, 1883.]

WHEREAS, Certain parties assert a title under a pretended Mexican grant called the "Sobrante" to about ninety thousand acres of land near the Bay of San Francisco, and extending from the vicinity of Martinez on the north to the vicinity of Haywards on the south; and whereas, the greater part of said lands are occupied by bona fide settlers who have lived thereon and improved the same for many years, with the expectation of acquiring their titles under the homestead and preëmption laws; and whereas, this immense land claim has, for the past twenty-five years, seriously retarded the growth and prosperity of Contra Costa and Alameda Counties, and has been a constant source of annoyance, expense, and hardship to the large number of settlers upon said lands; and whereas, for nearly five years there has been pending before the Department of the Interior a contest between the "Sobrante" claimants and the settlers, as to the survey thereof, which is still undecided; therefore, be it

Precedent.

Secretary of
Interior
requested to
examine.

Resolved by the Senate of the State of California, the Assembly concurring, That the Secretary of the Interior is hereby respectfully requested to give to said case his early and personal attention and to decide the question of the location and extent of said "Sobrante" at as early a day as possible, and thereby relieve the settlers from further doubt and suspense regarding their land titles.

Resolved further, That the Secretary of State is hereby directed to forward a copy of this resolution to the Secretary of the Interior and also to each of the Representatives in Congress from this State, and that the latter be requested to use all honorable means to protect the rights of the said settlers as against the claims of those professing to hold the Mexican grant title thereto.

CHAPTER XXI.

Assembly Concurrent Resolution No. 29, relative to instructing our Senators and requesting our Members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union.

[Adopted March 15, 1883.]

Preamble.

WHEREAS, It is the highest duty of the General Government to assist and guide the people in the establishment and perfection of those new and useful industries for the development of which the natural resources of the several sections of our country are best adapted; and whereas, through the encouragement of the General Government, which has exempted from internal revenue taxation the production of pure and natural wine, and through the concentrated efforts and intelligence of representative viticulturists of this State, organized and aided by State Legislature, a large body of our citizens, representing the wealth, industry, intelligence, and best moral forces of our people in all parts of this State, have engaged in viticultural pursuits, which, if their energies be properly directed by means of competent instruction, and if their properties be protected from destruction, will vastly enlarge the field of honest and healthful labor and the material prosperity and independence of the whole people; and whereas, these new industries have been heretofore unknown to the most of all our people now engaging in them, and require, during the present generation, careful development with the aid of instruction from skilled, experienced, and conscientious specialists in the many branches of viticulture and viniculture; and whereas, the General Government now derives a large part of its revenue from the taxation of grape spirits and is thereby also specially interested in the promotion and protection of this source of revenue:

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators and Representatives in Congress be requested to urge the passage of legislation necessary to accomplish the following objects: *First*—A law providing that ten per cent of all moneys collected by the General Government from internal revenue taxation on spirits produced from fruit of any kind, be paid over to the several States in which said spirits are produced, in proportion to the quantities produced therein; *provided*, the Legislature of said States shall, by law, appropriate the funds so received for the promotion and protection of viticultural and horticultural purposes in proportion to the relative production of spirits in each State, whether from grapes or other fruits.

A portion of the Federal revenue to be returned to the States.

Second—Encouragement for the improvement and perfection of all spirits intended for consumption as beverages, or for medicinal purposes, by allowing them to remain in bond at least five years, and granting for each year they remain in bond, not exceeding five years, a rebate of the tax on the same of ten per cent.

A rebate for spirits remaining in bond.

Third—That wine makers be allowed to use pure grape spirits in all necessary fortifications of pure wine without paying tax on the spirits so used; *provided*, the wines so fortified do not in any case exceed twenty-one per cent in alcoholic strength; *and provided*, also, that this privilege be extended only to the use of pure grape spirits added to wines in which no ingredient is used, either in fermentation, or subsequent compounding, that has not been directly produced from grapes.

Exemption of tax on grape spirits used for fortifying wines.

Fourth—That permission be granted to fill packages of brandy, in bond, that have shrunk, or leaked, before removing the same, so as to show full value of stamps—shrunk packages to be filled from those already in bond.

To replenish leakages.

Fifth—That the duty on raisins be retained as at present.

Duty on raisins.

Sixth—That the duty on so called cherry juice should be in accordance with its alcoholic strength, based on the duty on spirits.

Duty on cherry juice.

Seventh—That the duty on wines should be in accordance with their alcoholic strength, the unit of measurement being spirits at proof; *provided*, that no wine be admitted at less rate of duty than at present.

Duty on wines.

CHAPTER XXII.

Assembly Concurrent Resolution No. 43, in relation to the law now introduced in Congress for the relief of the settlers on the Moquelumos Grant in this State.

[Adopted March 15, 1883.]

WHEREAS, HON. J. T. Farley, United States Senator for California, has introduced a bill for the relief of settlers in what is known as the Moquelumos land grant in this State, which authorizes them to acquire their lands under the

Preamble.

preëmption and homestead laws, and receive patents therefor ; therefore, be it

Urging the passage of a settler's relief bill.

Resolved by the Assembly, the Senate concurring, That we indorse the action of our Senator in introducing said bill, and we respectfully request our Senators and Representatives in Congress to use all honest endeavors to insure its enactment into a law. Be it further

Resolved, That the Governor of California be and he is hereby requested to transmit a copy of these resolutions to the Senate and House of Representatives of the United States and to each of our Senators and members of Congress.

CHAPTER XXIII.

Senate Concurrent Resolution No. 19, relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State.

[Adopted March 15, 1883.]

Distribution of Constitutional Convention Debates.

Resolved by the Senate, the Assembly concurring: Whereas, there are about one thousand copies of the debates of the Constitutional Convention in the Secretary of State's office, which are unsalable;

Resolved, That each member of the Constitutional Convention of eighteen hundred and seventy-eight and eighteen hundred and seventy-nine be authorized to demand and receive from the Secretary of State one copy of said debates.